



महाराष्ट्र शासन राजपत्र

भाग पाच-अ

वर्ष ३, अंक १८

गुरुवार ते बुधवार, जुलै २४-३०, २०१४/श्रावण २-८, शके १९३६

[पृष्ठे ८८ किंमत : रुपये ५.००]

प्राधिकृत प्रकाशन

महाराष्ट्र विधानसभेत व महाराष्ट्र विधानपरिषदेत सादर केलेली विधेयके (इंग्रजी अनुवाद)

पुढील विधेयके, दुरुस्त्या इत्यादी असाधारण राजपत्र म्हणून त्यांच्यासमोर दर्शविलेल्या दिनांकांना प्रसिद्ध झालेली आहेत :—

१०

शुक्रवार, एप्रिल ५, २०१३/चैत्र १५, शके १९३५

MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Assembly on the 5th April 2013 is published under Rule 117 of the Maharashtra Assembly Rules :—

L. A. BILL No. XXXVII OF 2012.

A BILL

to regulate and administer police service of the State of Maharashtra and further to replace the Bombay Police Act, 1951, in its application.

WHEREAS, respect for and promotion of the human rights of the people, and protection of their civil, political, social, economic and cultural rights, is the primary concern of the Rule of Law ;

AND WHEREAS, it is the constitutional obligation of the State to provide impartial and efficient Police Service safeguarding the interests of vulnerable sections of society including the minorities, and responding to the democratic aspirations of citizens ;

(१)

२ महाराष्ट्र शासन राजपत्र भाग पाच-अ, गुरुवार ते बुधवार, जुलै, २४-३०, २०१४/श्रावण २-८, शके १९३६

AND WHEREAS, such functioning of the police personnel needs to be professionally organised, service oriented, free from extraneous influences and accountable to law ;

AND WHEREAS, it is expedient to redefine the role of the police, its duties and responsibilities, by taking into account the emerging challenges of policing and security of State, the imperatives of good governance, and respect for human rights ;

AND WHEREAS, it is essential to appropriately empower the police to enable it to function as an efficient, effective, people-friendly and responsive agency;

NOW, THEREFORE, since it is necessary for this purpose to replace the Bombay Police Act of 1951 enact a new law relating to the establishment and management of the Police Service; it is hereby enacted the sixty-third year of the Republic of India, as follows :—

CHAPTER I

Preliminary, definitions, Interpretations

Short title,
Extent and
Comme-
ncement.

1. (a) This Act may be called the Maharashtra Police Act, 2012.
- (b) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, specify in this behalf.
- (c) It extends to the whole of the State of Maharashtra.

Definition.

2. (1) In this Act, unless the context otherwise requires,—
 - (a) ‘Act’ means the Maharashtra Police Act, 2012 ;
 - (b) ‘Cattle’ include cows, buffelos, elephants, camels, horses, asses, mules, sheep, goats and swine ;
 - (c) ‘Core functions’ mean duties related to sovereign functions of the State including arrests, search, seizure, crime investigation, crowd control and allied functions that can only be performed by the police as the agency of the State ;
 - (d) ‘Cyber Crime’ means any activity in cyberspace with criminal intention ;
 - (e) ‘Cyberspace’ means the virtual environment with which electronic communication occurs between computers ;
 - (f) ‘Headquarters Company’ means a unit performing administrative and other support functions of a Armed Police Battalion ;
 - (g) ‘Insurgency’ includes waging of armed struggle by a group or a section of population against the state with a political objective including the separation of a part from the Territory of India ;

(h) 'Internal Security' means preservation of sovereignty and integrity of the State from disruptive and anti-national forces from within the State ;

(i) 'Militant activities' include any violent activity of a group using explosives, inflammable substances, firearms or other lethal weapons or hazardous substance in order to achieve its political objectives ;

(j) 'Non-core police functions' mean such functions which are not core functions as defined ;

(k) 'Organised crime' includes any crime committed by persons using network in pursuance of its common intention of unlawful gain- including financial- by using violent means or any other means or threat of violence, threat to human body in long term.

(l) 'Place of public amusement' and 'public entertainment' include such places as may be notified by the State Government ;

(m) 'Police District' means the territorial area notified under Section 10 of Chapter II of this Act, as distinct from a revenue district ;

(n) 'Police Officer' means any member of Maharashtra Police Service constituted under this Act ;

(o) 'Prescribed' means prescribed under this Act ;

(p) 'Public place' means any place to which the public have access and includes a public building and monument and precincts thereof ; and any place accessible to the public for drawing water, washing or bathing or for purposes of recreation ;

(q) 'Regulations' means regulations made under this Act ;

(r) 'Rules' mean rules made under this Act ;

(s) 'Service Companies' means units of State Armed Police Battalions and District Armed Reserve which are deployed for law and order and other duties in support of civil police ;

(t) 'Service' means the Police Service constituted under this Act ;

(u) 'Street' includes any highway, bridge, way over a causeway, viaduct arch, quay or wharf or any other road, lane, footway, square, court, alley or passage, accessible to public whether thoroughfare or not ;

(v) 'Subordinate Rank' means all ranks below the rank of Assistant or Deputy Superintendent of Police ;

(w) 'Terrorist activity' means and includes any activity of a person or a group causing explosions or using any lethal weapons ; physical, chemical, technological, communication devices, nuclear or biological or any act done with intent to cause death or damage to person or property or create fear or psychosis among the people or to threaten the unity, integrity, security and sovereignty of India or to overawe the Government established by law.

(2) Words and expressions used in this Act but not defined specifically shall have the same meaning as provided in the General Clauses Act, 1897, the Code of Criminal Procedure, 1973 and the Indian Penal Code, 1860.

CHAPTER II

Constitution and Organisation of the Police Service

One Police
Service.

3. (1) There shall be One Police Service for whole of the State.

(2) Members of the Police Service shall be liable to be posted to any branch of the Service in the State, including its specialized units or wings.

Constitution
and
Composition
of Police
Force.

4. Subject to provision of this Act :—

(1) The Police Service shall consist of Civil Police, Reserved Armed Police, various specialised services such as Intelligence Services, Railway Police, Traffic Police, State CID, Forest Police, Coastal Police, Training, Welfare, Information and Communication Technology, Internal Security and Emergency Response and other specialized wings formed by the State Government as it may deem necessary at time.

(2) Numbers of Police personnel in various ranks may be determined by State Government every 5 years on the basis of the population census and projected population. A specific ratio between number of police personnel and population shall form the basis of such decision, undertaking into consideration all relevant factors associated with policing and prevailing law and order situation. A notification shall be issued to this effect every 5 years.

(3) The composition of the Police Service shall, reflect adequate representation of all sections of society, including gender representation.

(4) Recruitment process and appointments should be made according to reservation policy adopted by State Government for appointments in its other offices.

(5) The pay, allowances, service and working conditions of police personnel shall be as prescribed by rules, from time to time. These shall always be commensurate with the arduous nature of their duties.

(6) Police personnel shall at all times remain accountable to the law and responsive to the lawful needs of the people and shall observe codes of ethical conduct and integrity, as prescribed.

5. Hierarchical structure of Police Service :—

(1) Director General of Police shall be the administrative head of the police force. He shall be answerable to the State Security Commission and the Home Minister of the State.

(2) He shall be assisted by as many Additional Director Generals of Police as the State Government decides in consultation with the State Security Commission and the Director General of Police himself. The Additional Director Generals of Police shall report to the Director General of Police.

(3) Inspector General's of Police shall head the police zones and various specialised services as mentioned in sub- section (1) of section 4 of this Act. Inspector General's of Police shall report directly to Director General of Police through Additional Director General of Police as may be specified by the Director General of Police in his orders.

(4) Deputy Inspector General's of Police shall be the administrative heads of the police ranges and they shall report to the concerned Inspector General's of Police. The State Government in consultation with the State Security Commission and the Director General of Police may appoint more Deputy Inspector General's for effective functioning of various specialised services mentioned in sub-section(1) of section 4 of this Act.

(5) Superintendents of Police or Commissioners of Police shall be the administrative heads of districts and cities respectively. They shall be assisted by the Assistant Superintendents of Police or Assistant Commissioners of Police. Superintendents of Police shall report to the concerned Deputy Inspector General of Police. Commissioner of Police should report to his next immediate authority.

An officer of the rank of Deputy Insepctor General of Police or above may be appointed as the Commissioner of Police depending on the population and the magnitude and complexity of policing tasks in that particular jurisdiction.

Hierarchy
in the
Police force
from
Director
General of
Police to
Officer
Grade-II.

(6) State Government in consultation with the State Security Commission and the Director General of Police may appoint as many numbers of Additional Superintendents of Police or Additional Commissioners of Police to head the specialised services at district level and to assist Superintendent of Police or Commissioner of Police in performing the functions, taking into consideration the specific requirements of that district or city.

Additional Superintendent of Police or Additional Commissioner of Police, who heads the Reserved Armed Forces shall be called Commandant.

Additional Superintendent of Police or Additional Commissioner of Police or Commandant shall report to the immediate Superintendent of Police or Commissioner of Police. The officials of this rank, who head particular specialised service for district or city, shall also report to the concerned Inspector General of Police or Deputy Inspector General of Police, as the case may be.

(7) Deputy Superintendent of Police or Deputy Commissioner of Police shall head the sub-division. They shall report to the Additional Superintendent of Police or Superintendent of Police or Additional Commissioner of Police or Commissioner of Police as specified by the Superintendent of Police or Commissioner of Police in his order.

In case of the Armed Forces the officer heading the sub-division and of rank of Deputy Superintendent of Police or Deputy Commissioner of Police shall be called Deputy Commandant.

(8) Assistant Superintendent of Police or Assistant Commissioner of Police shall head the circle. In case of Armed Forces the officer shall be called Assistant Commandant. They shall report to their immediate superiors.

The Senior Police Inspector can also be appointed to head the circle.

(9) The rank structure below the position of Assistant Superintendent of Police or Assistant Commissioner of Police in the descending order, shall consist of Inspector, Sub-Inspector, Police Officer, Grade I and Police Officer, Grade II. They shall all report to the personnel as specified in the order issued by Assistant Superintendent of Police or Assistant Commissioner of Police.

(10) The State Government in consultation with Director General of Police shall create as many positions as it may think necessary at various ranks to ensure effective functioning of various offices of police and effective performance of duties of police specified under this Act.

(11) There shall be Village Guard in an every village to assist other police personnel. He will be recruited by District Superintendent.

6. (1) The State Government, in consultation with the State Security Commission and Director General of Police, may by notification divide the entire geographical area of the state into one or more Police Zones. Each Zone, shall comprise of two or more Police Ranges and shall be headed by an officer of the rank of Inspector General, who shall supervise the police administration of the Zone and report directly to the Director General of Police.

Geographical
Structure
of Police
Force.

(2) The State Government, in consultation with the State Security Commission and Director General of Police, may by notification create as many Police Ranges as deemed necessary. Each Range, consisting of two or more Police Districts, shall be headed by an officer of the rank of Deputy Inspector General who shall supervise the police administration of the Range and report directly to the Inspector General in charge of the Zone in the jurisdiction of which the Range falls.

(3) The State Government, in consultation with the State Security Commission and Director General of Police, may by notification declare appropriate numbers of areas within the state to be Police Districts. The administration of the police throughout such district shall vest in the Superintendent of Police, who may be assisted by as many Assistant Superintendents, as deemed necessary and are notified.

Police
District.

The State Government may by notification declare each of the metropolitan areas, other major urban areas with a population of 10 lakhs or more, to be Police Districts. The administration of the police throughout such notified urban areas shall vest in the Commissioner of Police, who may be assisted by as many Assistant Superintendents, as deemed necessary and are notified.

The police system in these notified urban areas of Commissionerates shall be capable of handling the typically complex nature of crime in urban areas, public order and internal security in urban areas.

District
Level
Special
Cells.

(4) For the purpose of dealing with a particular category of crime or providing better service to the community at large including victims of crime, the State Government may, in consultation with the State Security Commission and Director General of Police and by notification, create one or more Special Cells in each Police District, to be headed by an officer of the rank of Assistant/Deputy Superintendent of Police.

The Government may establish such special armed police units, including special riot control squads, for the Commisssonerate areas, for meeting diverse requirements of riot or mob control, disaster management and VIP security, as necessary, and provide for the requisite equipment, and training consistent with human rights standards, for such units.

Sub-
divisions
and Circles.

(5) The State Government may in consultation with the State Security Commission and Director General of Police and by notification divide each Police District into as many Sub-Divisions as deemed necessary, to be headed by an officer of the rank of Deputy Superintendent of Police.

(6) The State Government may in consultation with the State Security Commission and Director General of Police and by notification divide each Police Sub-Division into two or more Circles, each headed by an officer of the rank of Inspector or Assistant Superintendent of Police.

Police
Station.

(7) The State Government may in consultation with the State Security Commission and Director General of Police and by notification, create as many Police Stations with as many outposts as necessary, in a Police District as deemed necessary, duly keeping in view the population, the area, the crime situation, the workload in terms of Law and Order and the distances to be traversed by the inhabitants to reach the Police Station.

Two or more Police Stations may be assigned to a Police Circle for the purpose of control and supervision.

A Police Station shall be headed by a Station House Officer not below the rank of Sub-Inspector of Police :

That larger Police Stations may be placed under the supervision of officers of the rank of Inspector of Police.

Special
Security
Zone.

(8) If and when the security of State in an area is threatened by insurgency, any terrorist or militant activity, or activities of any organised crime group, or activities of Human Trafficking, economic

offences the State Government shall request the Central Government to declare such area as a Special Security Zone :

Provided that, any such notification shall be placed before the State Legislature for ratification, within a period of six months from the date of issue, or the first sitting of the Legislature, whichever is earlier :

Provided, further that the period of the notification shall not exceed two years unless it is ratified by the Parliament with the concurrence of the State Legislature.

(a) The State Government shall create an appropriate police structure and a suitable command, control, and response system, for each such Special Security Zone.

(b) The State Government, in order to ensure co-ordinated functioning of different wings of the administration, shall set up, in each Special Security Zone, a suitable administrative structure which will integrate administrative and developmental measures in the area with the police response to deal with the problems of public order and security.

(c) The Director General of Police shall, with the concurrence of the State Government, issue orders, laying down Standard Operating Procedures to be followed by police in a Special Security Zone.

(d) The Central Government, at the request of the concerned State Governments, may declare areas falling in more than one state, as a Special Security Zone and provide for an appropriate intergrated mechanism to be funded and resourced by the concerned State Governments and the Central Government.

(e) The State Government may, on the recommendations of the Director General, and for reasons to be recorded in writing, ban or regulate the production, sale, storage, possession or entry of any devices, or equipment, or any explosive, poisonous, chemical, biological or radioactive articles or substances, or any inflow of funds, in a Special Security Zone, if the use of such devices, equipment, material, article or funds, is reasonably considered a threat to Internal Security or public order in the area, in any manner.

(f) The State Government, for any Special Security Zone falling within the State, may make rules to prevent and control the activities of persons or organisations, which may have an impact on Internal Security or Public Order.

CHAPTER III

General Role, Functions, Duties and Responsibilities of Police Personnel

Role
functions
and duties
of the
police.

7. General role, functions and duties of the police :—

(1) To uphold and enforce the law impartially, and to protect life, liberty, property, dignity, human rights and Constitutional rights of the members of the public ;

(2) To uphold the values enshrined in the Constitution of India ;

(3) To promote and preserve public order ;

(4) To protect internal security, to prevent and control terrorist activities, breaches of communal harmony, militant activities and other situations affecting Internal Security ;

(5) To protect public properties including roads, railways, bridges, vital installations, places of cultural and historical importance, public health and educational institutions and establishments *etc.* against acts of vandalism, violence or any kind of attack ;

(6) To prevent crimes and reduce the opportunities for the commission of crimes through their own preventive action and measures as well as by aiding and co-operating with other relevant agencies in implementing due measures for prevention of crimes ;

(7) To accurately register all complaints brought to them by a complainant or any member of public, in person or received by post, e-mail or other means, and take prompt follow-up action thereon, after duly acknowledging the receipt of the complaint ;

(8) To register and investigate all cognizable offences coming to their notice through such complaints or otherwise, duly supplying a copy of the First Information Report to the complainant, and where appropriate, to apprehend the offenders, and extend requisite assistance in the prosecution of offenders ;

(9) To comply with all the guidelines issued by Supreme Court, High Courts and Human Right Commissions with regards to arrest, seizures other concerned matters.

(10) To create and maintain a feeling of security and unity in the community and as far as possible prevent conflicts and promote amity ;

(11) To provide, as first responders, all possible help to people in situations arising out of natural or man-made disasters, and to provide active assistance to other agencies in relief and rehabilitation measures ;

(12) To aid individual, who are in danger of physical harm to their person or property, and to provide necessary help and afford relief to people in distress situations ;

(13) To facilitate orderly movement of people and vehicles, and to control and regulate traffic on roads and highways ;

(14) To collect intelligence relating to matters affecting public peace, and all kind of crimes including social offences, communalism, extremism, terrorism and other matters relating to national security, and disseminate the same to all concerned agencies, besides acting, as appropriate on it themselves.

(15) To take charge, as a police officer on duty, of all unclaimed property and take action for their safe custody and disposal in accordance with the procedure prescribed.

8. Every police officer shall.—

Social
responsibili-
ties of the
police.

(1) Police personnel shall at all times remain accountable to the law and responsive to the lawful needs of the people and shall observe codes of ethical conduct and integrity, as prescribed ;

(2) Behave with the members of the public with due courtesy and decorum, particularly so in dealing with senior citizens, women, children, members of other vulnerable sections, minority and physically or mentally challenged individuals ;

(3) Guide and assist members of the public, particularly senior citizens, women, children, poor and indigent, members of vulnerable sections, minority and physically or mentally challenged individuals, who are found in helpless condition on the streets or other public places or otherwise need help and protection ;

(4) Provide all requisite assistance to victims of crime and of road accidents and in particular ensure that they are given prompt medical aid, irrespective of medico-legal formalities and facilitate their compensation and other legal claims ;

(5) Ensure that in all situations, especially during conflict between communities, classes, castes and political groups, the conduct of the police is always governed by the principles of impartiality and human rights norms, with special attention to protection of weaker sections including minorities ;

(6) Prevent harassment of women and children in public places and public transport, including stalking, making objectionable gestures, signs, remarks or harassment caused in any way ;

(7) Render all requisite assistance to the members of the public, particularly senior citizens, women, children, members of other vulnerable sections, minority and physically or mentally challenged individuals against criminal exploitation by any person or organised group ;

(8) Arrange for legally permissible sustenance and shelter to every person in custody and inform all such persons about provisions of legal aid schemes available from the Government and also inform the authorities concerned in this regard.

Emergency
Situations.

9. (1) The State Government may, by notification in the *Official Gazette*, declare any specified service to be an essential service to the community, for a specified period, which may be extended from time to time, by a notification, as necessary.

(2) Upon a declaration being made under sub-section (1) and so long it remains in force, it shall be the duty of every police officer to obey any order given by any officer superior to him in connection with the service specified in the declaration.

Senior
police
officer
performing
duties of a
subordinate
officer.

10. A senior police officer may perform any duty assigned by law or by a lawful order to any officer subordinate to him, and may aid supplement, supersede or prevent any action of the subordinate by his own action or that of any person lawfully acting under his command or authority, whenever the same shall appear necessary or expedient for giving more complete or convenient effect to the law or for avoiding any infringement thereof.

CHAPTER IV

Administration of Police Service and Specific Duties of the Police Personnel

Administra-
tion of
Police
Service.

11. (1) The administration of the Police Service through the state shall be vested in the Director General of Police and in such Additional Directors General Inspectors General, Deputy Inspectors General and other officers as appointed under this Act.

(2) The administration of police in a district shall vest in the District Superintendent of Police.

(3) Administration will mean the management of the Police Service, subject to law, rules and regulations; and will include framing of regulations; supervising the functioning of the police at all levels; appointment to subordinate ranks of the Service, deployment of the

police personnel, posting, transfers, and the requisite disciplinary action up to and including the rank of Inspector of Police; and advising the Government on the placement of officers of and above the rank of Assistant/Deputy Superintendent of police :

Provided, that the State Government may intervene in the exercise of the powers of administration by the Director General of Police or any other authorised officer only in accordance with the prescribed rules, regulations or in exceptional circumstances involving urgent public interest, reasons for which shall be recorded in writing.

(4) Police Administration shall be characterised by quick and comprehensive response springing from purposeful direction, unitary chain of command, professional competence, functional specialisation, and legal authority coupled with accountability.

12. (1) For the overall direction and supervision of the Police Service the State Government shall appoint a Director General of Police who shall exercise such powers, perform such functions and duties and have such responsibilities and such authority, as may be prescribed.

Selection and term of office of the Director General of Police.

(2) The post of Director General of Police shall be the senior-most position in the hierarchy of the Police Service of the State and no other officer senior or equivalent in rank to the incumbent Director General of Police shall be posted to any position within the police organisation to ensure that the unity of command is maintained at all times :

Provided that, any other police officer holding the rank of Director General shall be appropriately appointed outside the state police organisation.

(3) The State Government shall appoint the Director General of Police from amongst three senior-most officers of the state Police Service, empanelled for the rank.

(4) The empanelment for the rank of Director General of Police shall be done by State Security Commission on the basis of following criteria :--

(a) Length of service and fitness of health, standards as prescribed by the State Government;

(b) Assessment of the performance appraisal reports of the previous 15 years of service by assigning weightings to different grading, namely, 'Outstanding', 'Very Good', 'Good' and 'Satisfactory';

(c) Range of relevant experience, including experience of work in central police organisations and training courses undergone;

(d) Indictment in any criminal or disciplinary proceedings or on the counts of corruption or moral turpitude; or charges having been framed by a court of law in such cases.

(e) Due weightings to award of medals for gallantry distinguished and meritorious service;

(f) Training courses undergone.

(5) The Director General of Police so appointed shall have a minimum tenure of two years irrespective of his normal date of superannuation :

Provided that, the Director General of Police may be removed from the post before the expiry of his tenure by the State Government with approval of State Security Commission through a written order specifying reasons, consequent upon;

(a) Conviction by a court of law in a criminal offence or where charges have been framed by a court in a case involving corruption or moral turpitude; or

(b) Punishment of dismissal, removal, or compulsory retirement from service or of reduction to a lower post, awarded under the provisions of the All India Services (Discipline and Appeal) Rules or any other relevant rule; or

(c) Suspension from service in accordance with the provisions of the said rules; or

(d) Incapacitation by physical or mental illness or otherwise becoming unable to discharge his functions as the Director General of Police; or

(e) Promotion to a higher post under the Central Government, subject to the officer's consent to such a posting.

(6) It shall be the responsibility of the Director General of Police to,—

(a) Operationalise the polices, the Strategic Plan and the Annual Plan prepared by the State Government, referred to in sub-section (3) of section 40 of this Act; and

(b) Administer, control and supervise the Police Service to ensure its efficiency, effectiveness, responsiveness and accountability.

13. (1) The State Government in consultation with State Security Commission and Director General may appoint one or more Additional Director Generals, and as many Inspector Generals, Deputy and Assistant Inspectors Generals as necessary.

Personal from the rank of Additional Director General to the rank of Assistant Inspectors Generals.

(2) The State Government may, by a general or special order and in consultation with the Director General of Police, direct in what manner and to what extent an Additional Director General or an Inspector General or a Deputy or Assistant Inspector General shall assist and aid the Director General of Police in the performance, exercise and discharge of his functions, powers, duties, and responsibilities.

14. (1) The Commissioner of Police in whom the administration of police is vested in such area may be an officer of the rank of Deputy Inspector General of Police or above, depending on the population, and the magnitude and complexity of policing tasks in such area.

Commissioner of Police.

(2) The Government may appoint one or more Additional Joint Deputy and Assistant Commissioner to assist the Commissioner of Police in the discharge of his duties.

(3) The Commissioner and other officers under him shall exercise such powers perform such functions and duties and shall have such responsibilities and authority, as prescribed :

Provided that, any of these powers, functions or duties exercised or performed by the Commissioner shall be subject to the overall control and direction of the Director General of Police.

(4) Subject to such conditions and limitations as may be specified by the State Government :—

(a) The Commissioner of Police shall exercise the powers and duties of a District Magistrate under such provisions of the Code of Criminal Procedure, 1973, and such other Acts, as may be specified.

(b) Any Officer subordinate to the Commissioner of Police (not being an officer below the rank of Assistant Commissioner of Police) shall exercise the powers and duties of an Executive Magistrate, under the provisions of the Code of Criminal Procedure, 1973, as may be specified under the overall control and supervision of the Commissioner of Police.

Constitution
of police
districts,
police sub-
divisions
and police
stations.

(5) The State Government in consultation with the Director General of Police shall.--

(a) Constitute appropriate number of Police Districts within each Commissionerate.

(b) Further divide such Police Districts into Police Sub-Divisions and specify the Police Stations comprised in each Sub-Divisions and,

(c) Define the limits and extent of such Police Districts, Police Sub-Divisions and Police Stations.

(6) Each Police District within the Commissionerate shall be under the charge of Deputy Commissioner of Police who may if necessary be assisted in the discharge of his duties by one or more Additional Deputy Commissioners of Police.

(7) Each Police Sub-Division shall be under the charge of an Assistant Commissioner of Police and each Police Station shall be under the charge of an Inspector of Police.

Superinten-
dent of
Police and
Additional
Joint
Deputy and
Assistant
Superinten-
dent.

15. (1) The Government may appoint one or more Additional Joint Deputy and Assistant Superintendents to assist the Superintendent of Police in the discharge of his duties.

(2) The Superintendent and other officers under him shall exercise such powers perform such functions and duties and shall have such responsibilities and authority as prescribed :

Provided that, any of these powers functions or duties exercised or performed by the Superintendent, shall be subject to the overall control and direction of the Director General of Police.

(3) Subject to such conditions and limitations as may be specified by the State Government.--

(a) The Superintendent of Police shall exercise the powers and duties of a District Magistrate under such provisions of the Code of Criminal Procedure, 1973, and such other Acts, as may be specified;

(b) Any officer subordinate to the Superintendent of Police (not being an officer below the rank of Assistant Superintendent of Police) shall exercise the powers and duties of an Executive Magistrate, under the provisions of the Code of Criminal Procedure, 1973, as may be specified, under the overall control and supervision of the Superintendent of Police.

16. (1) The Commissioner or Superintendent of Police may, from time to time, make rules and regulations, not inconsistent with this Act, and subject to any Government orders, in respect of the following :—

Specific Responsibilities, Duties and Authority of Commissioner of Police and Superintendent of Police.

(a) For regulating the use of public roads, streets and public places by persons walking, driving, cycling, or accompanying animals, and for parking of vehicles including bicycles, with a view to ensuring smooth and orderly movement of traffic;

(b) Licensing, or regulating, or if necessary in public interest prohibiting for reasons to be recorded in writing, the keeping of a place of public amusement or public entertainment, or running cinemas and other forms of public amusement or public entertainment, for ensuring the safety and well-being of persons likely to be affected;

(c) Licensing, or regulating or, if necessary in public interest prohibiting the playing of music in public streets or public places, and the using of a loud speaker or any other sound system in any public place, or places of public entertainment; and

(d) Regulating the entry or exit at any place of public amusement, public entertainment, or at any public meeting or assembly, and providing for the maintenance of public peace and prevention of disturbance at such places.

(2) Duties with respect to Religious, Social, Political Assemblies and Processions.

Regulation of public assemblies and processions.

(a) Any person intending to organise a procession, religious, social, political or otherwise, on any road, street, or thorough fare, or convene an assembly in any public place, shall give intimation in writing to the officer in charge of the concerned Police Station.

(b) The Commissioner or Superintendent of Police or any officer not below the rank of Inspector, authorised by the Commissioner or Superintendent of Police, may on receipt of such intimation or otherwise, give, from time to time such orders not inconsistent with this act, about the following, orally or in writing, as may be necessary :--

(i) The mode of any assembly or passing of any procession, or the conduct, behaviour or acts of members of such assembly or procession;

(ii) prescribing the routes and the time at which such processions may or may not pass;

(iii) preventing obstruction on the occasion of such a procession or assembly in the neighbourhood of any place of worship during the time of public worship, and in every case when any road street or public place or any place of public resort may be thronged or is likely to be obstructed; or

(iv) maintaining order on roads, streets, public places and all other places where public throng :

Provided that, all orders and directions in respect of any procession or assembly for which intimation has been received from the organisers, shall be issued, as far as possible, within 48 hours of receipt of intimation.

(c) The District Superintendent or Commissioner or any officer not below the rank of Assistant/Deputy Superintendent or Commissioner of Police, on receipt of such intimation or otherwise, and upon being satisfied that such an assembly or procession, if allowed without due control and regulation, is likely to cause a breach or peace, may prescribe necessary conditions including making provisions for satisfactory regulatory arrangements, on which alone such assembly or procession may take place. Under special circumstances to be recorded in writing, the concerned officer may also prohibit the assembly or procession in public interest. All orders and directions should be given within 48 hours of receipt of intimation, as far as possible.

Assemblies
and
processions
violating
prescribed
conditions.

(d) The District Superintendent or Commissioner of Police or any Police Officer not below the rank of Sub-Inspector, authorised in this behalf by the District Superintendent of Police, may stop any assembly or processions which violates the conditions set under sub-sections (2), (b) and (c) of Section 16, and order such assembly or procession to disperse.

(e) Any assembly or procession which neglects or refuses to obey any order given under sub-section (1) above shall be deemed to be an “unlawful assembly” under Chapter VIII of the Indian Penal Code, 1860.

(f) The District Superintendent or Commissioner or any officer not below the rank of Assistant / Deputy Superintendent or Commissioner of Police may regulate the time and the volume at which music and other sound systems are used in connection with any performances and other activities in or near streets or any public place that cause annoyance to the residents of the neighbourhood.

Regulation of the use of music and other sound systems in public places.

(3) Duties with respect to keeping order on public roads and places.—

(a) The District Superintendent of Police or Commissioner or any other Police Officer authorised by him in this behalf, through a general or special order, may give reasonable directions to the public to keep order on public roads and streets, thorough fares, or any public place, in order to prevent obstruction, injury, or annoyance to passers-by or pollution.

(b) The District Superintendent or Commissioner of Police may issue general directions under sub-section (1), in respect of the whole district or any part thereof, as per procedure laid down in section 72.

(c) Any person not obeying the lawful orders issued under above Sections may be arrested and on conviction by a court of law, shall be liable to a fine under sub-section (2), (3) (a) of Section 16 of this act.

Penalty for disobeying orders or directions.

(d) The District Superintendent or Commissioner of Police may, by public notice, temporarily reserve for any public purpose any street or other public place, and prohibit the public from entering the area so reserved, except on such conditions as may be specified.

Power to reserve public places and erect barriers.

(e) The District Superintendent or Commissioner of Police may authorise any police officer to erect barriers and other necessary structures on public roads and streets, to check vehicle or occupants thereof for violation of any legal provisions by them.

(f) In making such order, the District Superintendent of Police shall prescribe the necessary steps for ensuring the safety of passers-by.

(g) These temporary structures shall be removed once the purpose for which they were installed is over.

Prevention
of disorder.

(4) The Commissioner of Superintendent of Policy may, whenever and for such time, as he considers necessary for the preservation of the public peace and safety, by notification, issue an order to the public or to a particular individual or organisation, prohibiting the following :

(a) Carrying in any public place, or road, street or thoroughfare, fire arms, swords, spears, buldgeons, knives, other offensive weapons, or any explosive material;

(b) Collection or carrying of stones or missiles, or any objects or means of casting missiles;

(c) Keeping, carrying along or offering for exhibition any corpses or effigies or other provocative pictures, boards or placards with offensive slogans; and

(d) Making a provocative speech, gesture, or any kind of public display which is indecent, offensive or explosive, or which is likely to create religious tension or hatred between different communities, groups or individuals, or which instigates disobedience of lawful authority.

Prevention
of danger
to human
life and
imminent
threat to
peace.

(5) The Commissioner or Superintendent of Police or any officer not below the rank of Assistant Commissioner or Superintendent of Police may direct, in the manner as specified, any person to abstain from a certain act or to take action with respect to any nuclear, biological, chemical or any other dangerous material under his possession or control, with a view to preventing danger or damage to human life or property, or an imminent threat to peace and order.

(6) Security for keeping peace and order.

The Commissioner or Superintendent of Police or any officer of and above the rank of Assistant Commissioner or Superintendent on receipt of information that a person.—

(a) Is likely to do any wrongful act that may lead to disturbance of public order; or

(b) Habitually commits, or attempts to commit, or abets the commission of the offence of kidnapping, abduction, extortion, cheating or mischief, or any offence punishable under Chapter XII of the Indian Penal Code (45 of 1860), or under section 489A, 489B, 489C or 489D of that Code; or

(c) Habitually commits, or attempts to commit, or abets the commission of offences involving a breach of the peace; or

(d) Is so dangerous as to render his being at large hazardous to the community;

may require by an order, such person to show cause why he should not be ordered to execute a bond, with or without sureties, for good behaviour in the interest of peace and order in his jurisdiction, for a period not exceeding one year.

(7) An officer acting under sub-Section (6) shall conduct the proceedings and issue orders in accordance with the procedure laid down in sections 111 to 122, and 124 of the Code of Criminal Procedure, 1973.

(8) Whenever it appears to the Commissioner or Superintendent of Police.—

Removal of persons about to commit offence.

(a) That the movements or acts of any person are causing or are likely to cause alarm, danger or harm to person or property, in his jurisdiction; or

(b) That there are reasonable grounds for believing that such person is engaged or is about to be engaged in the commission of an offence involving force or violence or an offence punishable under chapters XII, XVI, XVII or XXII of the Indian Penal Code, 1860 or under Sections 290 or Sections 489A to 489E (both inclusive) of that Code or in the abetment of any such offence; or,—

(c) That such person :

(i) Is so dangerous as to render his being at large in the area of the Commissionerate hazardous to the community;or

(ii) has been found habitually intimidating other persons by acts of violence or by show of force; or

(iii) Habitually commits affray or breach of peace or riot, or habitually makes forcible collection of money or threatens people for illegal pecuniary gain for himself or for others;or

(iv) Has been habitually outraging the modesty of, or molesting, women and children, and witnesses are not willing to come forward to give evidence in public against such person by reason of apprehension on their part as regards the safety of their person or their family members or their property, the Commissioner of Police may, by order in writing duly served on such person, or through public announcement or other means, as he thinks fit, direct such person to so conduct himself as shall seem necessary

in order to prevent violence and alarm or to remove himself outside the area of the Commissionerate by such route and for such time as the Commissioner of Police may specify, and not to enter or return to the Commissionerate or part thereof, as the case may be from which he was directed to remove himself.

Explanation.—A person who during a period within one year immediately preceding the commencement of an action under this Section has been found on not less than three occasions to have committed or to have been involved in any of the acts referred to in this section shall be deemed to have 'habitually committed that act'.

(d) No order under this Section shall be passed without giving a reasonable opportunity of tendering an explanation to the person sought to be removed.

(e) An order made under this Section shall not exceed the period of two years.

(f) A person aggrieved for any action taken under this Section may appeal to the State Government within thirty days of passing of the order.

(g) The State Government or the Commissioner or Superintendent of Police may by order permit any person in respect of whom an order has been passed under this Section to enter or return to the area from where the person is removed for a temporary period as may be specified in the order.

(h) If any person violates an order passed under this Section shall be liable to imprisonment for a term not exceeding six months and fine.

Prevention
and
Detection
of Crime.

(9) For effective prevention of crime, and speedy and efficient investigation of criminal cases reported within specific sensitive area. The Government may, in consultation with the director General of Police and the concerned Commissioner or Superintendent of Police :

(a) Create and maintain at every Police Station (within that sensitive area), a dedicated team of police personnel of different ranks exclusively for the purpose of investigation of crime, with a provision of an appropriate number of supervisory officers;

(b) Constitute one or more specialised investigation teams for dealing with major and complex crimes, including organised crime, cyber crime, and economic offences;

(c) Establish a special criminal intelligence unit with adequate technical infrastructure and manpower support, capable of tackling the requirements or counter-intelligence work;

(d) Constitute one or more Special Task Forces for prevention and control of activities of organised criminal groups and anti-social gangs;

(e) Create a special desk in each Police Station (within that sensitive area), and one or more specialised units at the District level, for dealing with crimes against women and children and the tasks relating to administration of special legislations on crimes involving women and children;

(f) Create appropriate cells to deal with crimes relating to senior citizens and tourists;

(g) Provide one or more state-of-the-art Mobile Forensic Science Units, manned by well-trained scientific staff and police personnel, and adequate facilities for scientific interrogation; and

(h) Establish a centralised facility for custody of those arrested, in accordance with established standards of human rights of persons in custody.

(10) (a) The Government may establish for specific sensitive area within police district, a well-equipped Control Room with adequate communication facilities. Technically advanced, dedicated network of patrol vehicles and other necessary wherewithal. The control Room should be in a state of preparedness to meet any emergency situation with utmost speed and highest efficiency.

Emergency Response System.

(b) The Commissioner or Superintendent of Police shall prepare, and regularly update, comprehensive schemes for riot control and disaster management, *inter alia*, in accordance with the directions, if any, of the Government and the Director General of Police.

17. (1) The State Government shall appoint a Legal Advisor, Financial Advisor, Technical Advisor and Cyber Advisor to aid and advise the Director General of Police on legal, financial, technical and cyber crimes and matters respectively.

Appointment of Financial Advisor and Legal Advisor, technical and cyber expert and duties.

(2) The State Government shall also appoint in every District Police Unit and City Police Commissionerate one or more Legal Advisors to advise the police on legal issues and matters including the adequacy or otherwise of the available evidence as deemed necessary in various cases investigated by them. The State Government shall also appoint a financial, technical and Cyber Expert to aid and assist the Commissioner of Police on financial, technical, cyber matters respectively.

(3) The State Government shall also appoint a financial, technical and Cyber Expert to aid and assist the investigating officers in State Criminal Investigation Department on financial, technical cyber matters respectively.

(4) Appointment of advisors at (1), (2) and (3) above shall be made in accordance with the rules prescribed.

Police
Stations,
Beats and
Duties of
Officers in
charge.

18. (1) Police Stations shall be self sufficient in matters of scientific aids to investigation, communication facilities, accommodation, amenities, transport and housing *etc.*

(2) Special attention shall be paid to the security of each Police Station. Particularly in areas prone to violence or mass disturbances. It shall also be ensured that the manpower posted in such Police Stations, is not diverted elsewhere except when specially authorised by the Director General of Police for a specific purpose and a specified period.

(3) Infrastructure at police station—

(a) The State Government shall ensure availability of adequate strength of staff at each police station, duly based on the population, incidence of crime, law and order related workload, and the geographical area.

(b) The State Governments shall provide, as early as possible, each Police Station with all essential amenities including a reception-cum-visitors room, means of Communication like phone, Fax, Computer, Internet connection, furniture, storage, rest rooms, separate toilets for men and women and separate lock-ups for men and women.

(c) Each Police Station shall have a Women and Child Protection Desk, staffed as far as possible, by women police personnel, to record complaints of crimes against women and children and to deal with the tasks relating to administration of special legislations relating to women and children, aged persons.

(d) Each Police Station shall have a desk for weaker sections including aged persons to address their grievance.

(e) Each Police Station shall prominently display all the relevant information required to be made public, including the Supreme Court guidelines and directions, orders of National Human Rights Commission, Women and Child Rights Commission as also departmental orders on arrests, and the details regarding the persons arrested and held in lock-ups and information about officers on charge in the respective station.

(f) Tehsil level Police Station and Larger Police Stations shall have Cyber Desk to address issues of Cyber Crimes.

(g) Every Police station shall Conduct 'Police Adalat' on once in the month with aim to maintain harmony within the jurisdiction of the station.

(h) Adequate number of drop boxes shall be installed in the jurisdiction with aim to receive comments and feedback from residents about police administration.

(4) The jurisdiction of Police Station shall be divided into Beats, each covering a cluster of villages/localities to be placed under the charge of a Civil Police Officer Grade I and Civil Police Officers Grade II for maintaining regular and close contact with the residents.

(5) The station House Officer shall ensure that every village/locality in his jurisdiction is regularly served by a beat police officer.

(6) Beat Police Officer shall—

(a) Liaise with community leaders and residents of each village to review crime prevention measures and law and order situation;

(b) Collect information relating to activities of subversive militant, anti-social, de-humanizing, repressive or discriminatory nature in the village and initiate immediate legal action;

(c) Maintain watch over suspects, ex-convicts, rowdies, history-sheeters, bad characters and such others;

(d) Acquaint himself with disputes having caste or communal overtones, or likely to result in violence;

(e) Record public grievances or complaints and initiate immediate legal action ;

(f) to carry out any other policing task in respect of the village/ locality assigned by the State Government. The Director General of Police, The District Superintendent or Commissioner of Police or by Station House Officer of the police station through a general or special order;

(g) To maintain a record of aforesaid duties and responsibilities carried out by him during his visit and submit the same to the officer in charge of the Police Station.

(7) The Station House Officer shall visit every village/locality under his jurisdiction, at least once in a quarter, to review crime, law and order, problems of under privileged, public grievances and other developments.

(8) All supervisory officers including the Superintendent or Commissioner of Police shall visit every month as many villages/localities in their jurisdiction as possible. The purpose of such visits shall be to review the general state of crime, the law and order situation and the activities, if any, of violent and militant individuals or groups in the area and to interact with as many local residents as possible so as to assess the level of public satisfaction with the police.

Establish-
ment of
village
Guard and
Selection
criteria.

(9) Each village in the district shall have at least one Village Guard, enlisted by the District Superintendent of Police from amongst able-bodied persons of either gender, between the age of 21 and 60 years and with unimpeachable character and antecedents, who are permanent residents of that village possessing the ability to read and write in the local language, who have not been convicted by a court of law or have not had charges framed against them by a court of law in a criminal case or dismissed, removed, discharged or compulsorily retired from any employment on grounds of corruption, moral turpitude or misconduct, and who are not active members of any political party, or organization allied to a political party or a militant outfit.

(10) A person enlisted as a Village Guard will normally have a tenure of three years, which may be renewed, upon satisfactory performance. No renewal shall, however, be granted to a person after he crosses the age of sixty years or who has served for three consecutive terms or who incurs any other condition of ineligibility specified in Section 18(8).

(11) A Village Guard shall be removed from the assignment at any time during the currency of his enlistment, if he incurs any condition of ineligibility stipulated in Section 18(8).

(12) The Village Guard shall be a public servant as defined in the Indian Penal Code, 1860.

(13) The Superintendent of Police shall ensure that every person, on his induction as a Village Guard, is administered a training course of a duration and as per the syllabus, prescribed by the Director General of Police. periodical refresher training shall also be organised for those who are re-enlisted as Village Guards, for each renewed term.

(14) Every person enlisted as a Village Guard shall take an oath or affirmation, as prescribed, before the officer-in-charge of the Police Station concerned.

(15) Each Village Guard will be provided with an Identification Badge and a reasonable monthly honorarium and due out-of-pocket expenses, as prescribed by the District Superintendent of Police. The honorarium so fixed shall not be less than that paid to a Home Guard in the state.

(16) Any person who for any reason ceases to be a Village Guard shall forthwith deliver up to the Superintendent of Police or to an officer authorised by him, his Identification Badge and all records and documents maintained by him as the Village Guard.

(17) The duties and responsibilities of the Village Guard shall include —

Duties and responsibilities of Village Guard.

(a) reporting the occurrence of any crime or law and order situation in the village, at the earliest, to the police and assisting the police in bringing the offenders to book;

(b) maintaining a general vigil in the village from the point of view of crime prevention or prevention of a law and order problem, and promptly informing the police about the same;

(c) remaining alert and sensitive to any information about any suspicious activity, movement of suspicious persons or development of any conspiracy in the village, that is likely to lead to a crime or breach of law and order, and promptly passing on such information to the police;

(d) assisting any citizen in arresting or handing over to the Police Station any person or persons under section 43 of the Code of Criminal Procedure, 1973 along with the arms, ammunition, property or any objectionable or suspicious object, if any, seized from him, without delay. In case the arrested person is a woman, a male Village Guard shall be accompanied by a woman;

(e) securing and perserving the scene of any crime till the arrival of the police, duly ensuring that it is not disturbed by crrious onlookers or anyone else;

(f) meeting the Station House Officer of the Police Station at a minimum frequency as prescribed by the Superintendent of Police through a general or special order, to report on such activities and incidents in the village as would have a bearing on crime, law and order or other policing concerns;

(g) maintaining the perescribed records and registers;

(h) recording any public grievances or complaints in relation to policing; and

(i) liaisoning with the village Panchayat on matters relating to crime and law and order in the village.

CHAPTER V

Components of the Police Service and Its Roles

Civil Police. **19.** The Duties of all officers of and above the rank of Civil Police Officer Grade II shall include, *inter alia*, the following :

- (a) serving and protecting the citizens;
- (b) engaging with the citizens and gaining their co-operation;
- (c) policing the Beat ;
- (d) patrolling;
- (e) Law and Order duties;
- (f) collecting intelligence to support police work;
- (g) traffic duties;
- (h) investigations, enquiries, maintaining Police Station records and registers; and
- (i) auxiliary duties such as technology support, special skill support, staff support, out station duties, and such other tasks as assigned by senior officers from time to time.

Reserved
Armed
police. **20.** (1) To assist the civil police promptly and efficiently in dealing with group protests and violent disturbances involving breaches of peace or law and order, and in disaster management functions, as well as to discharge such duties as require the presence of armed police, the State Government shall create Armed Police units with appropriate manpower strengths in the form of an Armed Police reserve for Commissionerates and each Police District, and appropriate number of Armed Police Battalions for the State, including provision of women units.

(2) The state-level Reserve Armed Police Battalions shall be deployed under specific orders of the Director General of Police, to aid and assist the civil police in dealing with virulent and widespread problems of public disorder or other forms of violence, needing deployment of armed police beyond the resources of the district or city police.

(3) The City or District Armed Reserve, shall function under the control, direction and supervision of the Commissioner or District Superintendent of Police respectively and shall be the armed wing of the City or District Police to deal with an emergent law and order problem or any violent situation in the City or District, and for providing securing or escort to violent prisoners, or such other duties as may be prescribed.

(4) The City or District Armed Police Reserve shall be headed by officer not below the rank of Additional or Deputy Commissioner or Superintendent of Police (Armed Reserve) depending on the strength of the Armed Reserve set-up of the District.

(5) The City and District Armed Reserve will be sub-divided into appropriate numbers of Platoons, each headed by a Reserve Sub-Inspector. The Platoons will be further sub-divided into Sections, each of which will be headed by an Assistant Reserve Sub-Inspector. Each Sections shall have two Head Constables who could lead the half-Sections when so deployed.

(6) The deployment of the City and District Armed Reserve for performing law and order duty with arms shall ordinarily not be in less than section strength. Only when large-scale deployments have to be made, covering a wide area, and when firearms are not needed, the Armed Reserve set-up could be utilised in the strength of half-Sections.

(7) Each Armed Reserve set-up shall have an appropriate number of Reserve Inspectors to deal with general administration of the Reserve, maintenance of equipment and stores, and training.

(8) It shall be the duty of the Commissioner and District Superintendent of Police to ensure that the personnel of the Reserve are deployed in a manner that ensures their regular training and constant preparedness for their tasks, as also a fair rotation between duty and rest for them. Organisational structure of the Armed Police Battalions set-up.

(9) A Commandant, equivalent in rank to Additional Superintendent of Police, shall head each Armed Police Battalion. The Commandant shall be assisted by a Deputy Commandant, equivalent in rank to Deputy Superintendent of Police, who will also be the Second-in-Command of the Battalion. Each Battalion shall be divided into appropriate number of Service Companies and a Headquarters Company, each of which will be headed by an Assistant Commandant, equivalent in rank to Assistant Superintendent of Police.

(10) At the state level the Armed Reserved Police shall be headed by an officer of the rank of Additional Director General, who shall be responsible for the administration, training, operational preparedness and welfare of personnel of all the armed police units in the State, under the overall guidance and supervision of the Director General.

(11) A senior officer of the rank of Deputy Inspector General shall be entrusted for supervising the functioning and preparedness of every 3-4 Battalions.

(12) The duties of the State-head of the Armed Police Battalions, the Deputy Inspector General, the Commandant, Deputy Commandants, Assistant Commandants, Reserve Inspectors of the Service and the Headquarters Companies shall be as prescribed by the State Government from time to time.

Deployment. (13) Deployment of Armed Reserves—

(a) The deployment of units and sub-units of the City/District Armed Reserves and the State Armed Police Battalions shall be strictly restricted to only those situations where such deployment is considered absolutely necessary.

(b) The Commissioner/District Superintendent of Police shall carefully scrutinise each request for deployment of City/District Armed Reserves, received from the field officers. Similarly, the Director General shall closely scrutinise each request for the deployment of any force from the State Armed Police Battalions, received from any Commissioner, District Superintendent of Police, Deputy Inspector General of Police of a Range, or any other field officer, before ordering such deployment. The scrutiny will include a realistic determination of the quantum of force required as also the duration for which the deployment is required.

(c) The deployment shall be made for a fixed period, as specified in the order, and unless the same is extended by a specific order, the force shall return to its headquarters, on the expiry of the initial period.

(d) It shall be the duty, in the case of City Armed Reserves and District Armed Reserves, of the Commissioner and District Superintendent of Police respectively and that of the head of the Armed Police Battalion set-up of the State in respect of the Battalion personnel, to ensure that the personnel of these armed units are deployed in a manner that ensures their regular training and constant preparedness for their tasks, as also a fair rotation of duty between the various sub-units of the Reserve or a Battalion.

(e) While ordering deployment of any armed police unit, due care will also be taken to ensure, as far as possible, that the personnel are able to take due rest and also avail a weekly off.

(14) The adequacy of arms, equipment and accoutrement for each Battalion, City Armed Reserves as will be the District Armed Reserves shall be assessed regularly on an annual basis by the officer heading the State Armed Police Battalions set-up, in terms of the type, quality and quantities of each such item needed for each unit, in consultation with the Commandants, Commissioners and the District Superintendents of Police concerned.

Railway
police.

21. (1) The State Government may, by notification in the *Official Gazette*, create one or more special police districts embracing such railway areas in the State as it may specify, and appoint a Superintendent of Police, one or more Assistant and Deputy Superintendent and such other police officers for each such special district as it may deem fit.

(2) Subject to the control of the Director General of Police, such police officers shall discharge police functions connected with the administration of railways situated within their respective charges, and such other functions as the State Government may from time to time assign to them.

(3) Subject to any general or special orders which the State Government may make in this behalf, such police officers shall, in the discharge of their functions, be vested within every part of the State, with the powers and privileges and be subject to the liabilities of police officers under this Act or any other law for the time being in force.

(4) The Superintendent of Police may, with the previous permission of the State Government, delegate any of the powers and functions conferred on him by or under this Act, to an Assistant or Deputy Superintendent.

22. (1) Every state police organisation shall have a State Intelligence Department for collection, collation, analysis and dissemination of intelligence, and a Criminal Investigation Department for investigating inter-state, inter-district crimes and other specified offences, in accordance with the provisions of chapter V of this Act.

State
Intelligence
Department.

(2) The State Government shall appoint a police officer of the rank of Inspector General of Police to head each of the state level intelligence departments.

(3) The State Intelligence Department shall have specialized Sections like counter terrorism, counter militancy and VIP Security, each headed by an officer not below the rank of Superintendent of Police.

(4) Every District or city shall have a department for collection, collation and dissemination of the intelligence. It shall share intelligence with State level department.

(5) The State Government shall appoint a police officer not below the rank of Deputy Superintendent of police to head each of the District level intelligence department.

(6) The State Intelligence Department shall co-ordinate with national level intelligence agency.

(7) The State Government shall appoint by rules prescribed under this Act, an appropriate number of officers from different ranks to serve in the State Intelligence Department and District Intelligence Department as deemed appropriate with due regard to the volume and variety of tasks to be handled.

(8) Use of modern means of technology for collection, collation and dissemination of the intelligence :

Provided, Role of Human intelligence needs to be emphasized.

Criminal
Investigation
Department.

23. (1) The State Crime Investigation Department shall be headed by the officer of the rank of Inspector General of Police. State Government in consultation with Director General of Police and State Security Commission shall appoint as many Deputy Inspector General's of Police as may be necessary.

(2) The Crime Investigation Department shall have specialised wings for investigation of cyber crime, organised crime, homicide cases, economic offences, and any other category of offences, as notified by the State Government. The department shall deal with crimes requiring focused attention or special expertises for investigation. Each of these wings shall be headed by an officer not below the rank of a Superintendent of Police.

(3) The State Government shall appoint by rules prescribed under this Act, an appropriate number of officers from different ranks to serve in the Crime Investigation Department as deemed appropriate with due regard to the volume and variety of tasks to be handled.

(4) The officers posted to the Crime Investigation Department will be selected on the basis of their aptitude, professional competence, experience and integrity. They will undergo appropriate training upon induction, and their knowledge and skills will be upgraded from time to time through appropriate refresher and specialised courses in investigative techniques, particularly in the application of scientific aids to investigation and forensic science techniques.

(5) The State Government shall ensure that the Crime Investigation Department is equipped and trained to utilize modern technology such as VIP tracking, internet, 3G etc.

Provided State shall ensure that training of modern technology should undergo a review after every 5 years.

(6) The Crime Investigation Department of the state, shall take up investigation of such crimes of inter-state, inter-district or of otherwise serious nature, as notified by the State Government from time to time, and as may be specifically entrusted to it by the Director General of Police in accordance with the prescribed procedures and norms.

(7) The Crime Investigation Department will be provided with an appropriate number of advisors and crime analysts to guide, advise and assist the investigating officers in accordance with Section 17 of this Act.

(8) The Crime Investigation Department shall be provided with adequate staff and funds. The head of this Department will be vested with financial powers of a head of the department.

(9) The Special Crime Investigation Units at all the police stations in urban areas and in crime-prone rural area, shall serve as extension of State Crime Investigation Department. These units shall be headed by an officer not below the rank of Sub-Inspector of Police. The personnel posted to this unit shall not be diverted to any other duty, except under very special circumstances with the written permission of the Director General of Police.

(10) The officer posted to the special crime investigating units shall investigate crimes such as murder, kidnapping, rape, dacoity, robbery, dowry-related offences, serious cases of cheating, human trafficking, drugs, narco related offences, misappropriation and other economic offences, as notified by the Director General of Police, besides any other cases specially entrusted to the unit by the District Superintendent of Police.

(11) Each Police Station shall be provided with an appropriate number of Crime Scene Technicians to promptly visit the scenes of crime along with the Investigating Officer concerned to spot and gather all available scientific clues. These Crime Scene Technicians will be Civil Police officers grade II or grade I, specially selected and adequately trained for the purpose.

(12) The investigations of cases taken up by the Special Crime Investigation Unit personnel, over and above the supervision of the Station House Officer concerned, will be supervised at the district level by an officer not below the rank of Additional Superintendent of Police, who will report directly to the District Superintendent of Police. This supervisory officer may be assisted by an appropriate number of officers of the rank of Deputy Superintendent of Police, posted for the specific purpose of ensuring quality investigation on professional lines; Provided that in smaller districts where the volume of work does not justify posting of an Additional Superintendent of Police, an officer of the rank of Deputy Superintendent of Police shall be posted for this purpose.

(13) At the headquarters of each Police District, one or more Special Investigation Cells will be created, with the requisite strength of officers and staff, to take up investigation of offences of a more serious nature and other complex crimes, including economic crimes. These Cells will function under the direct control and supervision of the Additional Superintendent of Police mentioned in the sub-section above.

(14) Necessary legal and forensic advice will be made available to investigating officers during investigations.

(15) The Crime Investigation Units in Police Station, the Specialised Investigation Cells at the district level and the Criminal Investigation Department shall be equipped with adequate facilities of scientific aids to investigation and forensic science including qualified and trained manpower, in accordance with the guidelines, if any, issued in this regard by the Directorate of Forensic Science or the Bureau of Police Research and Development of the Government of India.

Forest
police.

24. (1) There shall be, as many number of Forest Mobile Squads as required, for each one of the reserve forest or any other type of demarcated forest area.

(2) Each Forest Mobile Squad shall be headed by an officer not below the rank of a Sub-Inspector of Police.

(3) The Forest Mobile Squads shall investigate forest land encroachment cases, offences against wild life and smuggling of forest produce.

(4) Forest Police officers shall exercise powers under the Code of Criminal Procedure, 1973.

(5) An officer not below the rank of Superintendent of Police shall supervise the functioning and work of the Forest Mobile squads in close co-ordination with the Forest Department Officers.

(6) An officer not below the rank of an Inspector General of Police shall head the forest police, who, shall be under the overall control of the Director General of Police.

Tourism
Police.

25. There shall be separate tourism police at all the required places under the control of Station House Officer of the jurisdictional police station to ensure :—

(1) Safety and security of tourists.

(2) Security of their belongings and documents.

(3) Prevention of crimes against tourists.

(4) Protection of women tourists against eve teasing, stalking or violence.

(5) Protection of tourists against unethical practices.

(6) Guidance to tourists about the local customs, laws, rules and regulations.

Traffic
Police.

26. (1) There shall be a traffic wing in every important police station, and exclusive Traffic Police Stations in all cities and towns to regulate traffic.

(2) Every Traffic Police Station shall be headed by an officer not below the rank of Sub-Inspector of Police.

(3) In the police commissionerates and districts, there shall be as many posts of Additional Commissioners, Deputy Commissioners/Additional Superintendents, Assistant Commissioners/Deputy Superintendents and Inspectors of Police, as required, for traffic regulation.

(4) There shall be an officer of the rank of Additional Director General of Police at the State level for research, planning and co-ordinating traffic management. He shall head the traffic wing of the state and shall advise the Director General of Police on traffic related matters.

(5) The head of the traffic wing shall be consulted on all matters relating to Town Planning by the authorities concerned.

(6) Wherever infrastructural improvements are being effected, opinion of the traffic wing shall be binding on the implementing agency.

(7) Expert and public opinion shall be sought and considered on the proposal to amend traffic regulations.

(8) Funds earmarked for traffic management shall be placed at the disposal of the respective Commissioner/District Superintendent of Police.

27. Coastal Police :

Costal
Security
police.

There shall be a separate Coastal Security Police, covering the coastal areas of the State to enforce the provisions of Coastal Regulatory Zone and other relevant laws.

28. (1) The State Government shall create and maintain special or ancillary agencies and technical services necessary for promoting efficiency in the Police Service under the control of an officer of the rank of Additional Director General of Police.

Technical
Support
Services.

(2) The agencies/services so created shall include a full-fledged Forensic Science Laboratory at the state level, Regional Forensic Science Laboratory in every Police Range and Mobile Forensic Science Unit in every district in accordance with the guidelines laid down by the Directorate of Forensic Science, the Bureau of Police Research and Development, Government of India and the State Bureau of Police Research and Development.

(3) The forensic science establishment shall be headed by and officer of the rank of Inspector General of Police assisted by a Director (Technical) of the rank of Superintendent of Police at the state levels, a Deputy Director (Technical) of the rank of Deputy Superintendent of Police at the range level and an Assistant Director (Technical) of the rank of Assistant Superintendent of Police at the district level.

(4) There shall be a Bomb Detection and Disposal Unit headed by an officer of the rank of Superintendent of Police at the state level, with its sub-units at the Range and District levels headed by Deputy Superintendent of Police and Inspector of Police respectively. The units shall be equipped with necessary personnel, transport and gadgets.

(5) There shall be a Police Dog Squad at the State level headed by an officer of the rank of Superintendent of Police with its sub-units at the range and district levels headed by Deputy Superintendent of Police and Inspector of Police respectively. The units shall be equipped with necessary infrastructure, facilities, personnel and dogs.

(6) There shall be a Finger Print Bureau at the State level headed by an officer of the rank of Superintendent of Police with its sub units at the range and district levels headed by Deputy Superintendent of Police and Inspector of Police respectively. The units shall be equipped with necessary personnel, gadgets and communication facilities.

(7) The personnel employed in these units shall be trained from time to time to keep abreast of latest developments in their respective fields. They shall adopt state-of-the-art technology.

Information
and
Communica-
tion
Technology.

29. (1) There shall be a robust statewide communication network to support the police service.

(2) Emerging technologies like digital forensics, biometrics, DNA profiling, GIS, WAP, WiFi and Vimix etc., shall be adopted.

(3) There shall be an officer of the rank of Additional Director General of Police, assisted by as many Inspectors General of Police, Deputy Inspectors General of Police, Superintendent of Police, Deputy Superintendents of Police and other ranks including technical personnel, as required, to manage Information and Communication Technology needs of the police service.

Training.

30. (1) The State Government shall establish a full-fledged Police Training Academy at the state level and as many fully equipped Police Training Colleges and Schools as deemed necessary for ensuring efficient post-induction training of all directly-recruited police personnel in various ranks, pre-promotion training for all those promoted to higher levels and such thematic and specialised in-service training courses for police personnel of different ranks and categories as deemed necessary from time to time.

(2) The State Government may appoint by prescribed rules, any police officer of the rank of Additional Director General of Police to be the Director of the State Police Academy, and an officer not below the rank of Inspector General of Police to head each Police Training College and an officer not below the rank of Superintendent of Police as the Principal of each Police Training School.

(3) The State Government shall also provide for appointment, by rules prescribed, of appropriate number of officers from the Police Service, in such Police Training Academy College(s) and Schools, after careful selection having due regard to aptitude, academic qualifications, professional competence, experience and integrity. The State Government shall evolve a scheme of monetary and other incentives to attract and retain the best of the available talent in the Police Service to the faculties of such training institutions.

(4) The State shall also ensure appointment of persons with academic accomplishments in the field of law, sociology, psychology, criminology, forensic science and other academic subjects relevant to police profession to the permanent faculty positions in these training institutions.

(5) The State Government shall lay down a Training-cum-Education Policy for the police, keeping in view the current and anticipated requirements of policing, covering all ranks and categories of police personnel. This Policy shall ensure that all police personnel are adequately trained to perform their job taking due care of proper attitudinal development, and shall be linked to career development scheme of police personnel in different ranks and categories.

(6) The policy shall also aim to promote a service culture of police personnel acquiring appropriate educational and professional qualifications as they advance in their careers.

(7) The Training-cum-Education Policy shall take into account any guidelines in respect of police training as may be issued by the Union Government from time to time. The training policy shall aim at achieving the objectives of imparting knowledge in police subjects, developing of professional skills, inculcating the right attitudes, and promoting constitutional and ethical values and human rights among police personnel. The training shall utilize techniques like Yoga to help the police personnel deal with stressful situations.

(8) Successful participation in appropriate training programmes shall be linked, as far as possible, to the promotion of police personnel of different ranks, and to their postings to different assignments, in a structured manner, as notified by the State Government from time to time.

(9) In evolving the training policy, optimum advantage shall be taken of the methodologies of distance learning, outsourcing and on-the-job training.

(10) The State Government shall create and upgrade, from time to time, the infrastructure and capabilities of their training institutions in consonance with the holistic training needs of police personnel of different ranks, which shall include, besides all types of specialised training, a compulsory refresher training course of appropriate duration, for all ranks annually. For this purpose, the State Government shall also create a suitable training centre with the requisite infrastructure in each Police District or Armed Police Battalion, as the case may be.

(11) The State Government shall ensure that full advantage is taken of the training facilities available in central and regional police training institutions, to adequately train police personnel of the state in specialised professional subjects, and to train the trainers of the state police training institutions.

(12) In upgrading their training infrastructure as well as the content and methodologies of their training courses, the training institutions shall take maximum advantage of the standards and practices evolved or guidelines issued by organisations such as the Bureau of Police Research & Development of Government of India, and the National Police Academy.

(13) For an objective periodical evaluation of the Training Policy of the State and its implementation, the State Police may utilise the available assistance of organisations such as the Bureau of Police Research and Development of Government of India.

(14) Besides the initial training of new recruits, it shall also be ensured that all ranks undergo an annual refresher training programme, by rotation, over and above specialised training in different skills required by various wings. Appropriate strengths of 'Training Reserves' will be created in each setup.

(15) The annual refresher training course shall be treated as mandatory, and under no circumstances the personnel undergoing such training shall be withdrawn for deployment on any other duty.

(16) The content and methodology of the annual refresher training courses as well as the other specialised courses shall be reviewed and revised from time to time by the Training Wing of the State Police, and under the overall guidance of the Director General of Police.

31. (1) The State Government may establish a State Bureau of Police Research & Development with provision for appropriate staff, funds and other resources to regularly undertake research and analysis on all such subjects and issues which may lead to improvement in the standards of police functioning and performance. The State Government may also sponsor, in other reputed organisations and institutions, special studies and research in subjects having relevance to policing.

(2) The State Government may also take appropriate measures to harness developing technology for scientific and technical assistance in the investigation and detection of crime, and other policing tasks.

(3) The tasks of the State Bureau of Police Research & Development shall include :—

(a) preparation of five-year Perspective Plans to modernise and upgrade police infrastructure with the objective of enhancing the professional competence and efficient management of the Police Service. This Plan shall cover mobility, weaponry, communication, training, forensic infrastructure, equipments and protective gears, official and residential accommodation, and any other subject which may have a bearing on qualitative improvement in policing ;

(b) keeping abreast of the latest equipment and innovative technologies successfully introduced by other police organisations within the country or abroad, and assessing the adaptability or otherwise of such equipment and technologies by the State Police. These may include new products, arms and ammunition, riot control equipment, traffic control equipment, police transport, and various scientific and electronic equipments useful for scientific aids to investigation or other policing tasks;

(c) liaising and coordinating with the Bureau of Police Research and Development of Government of India, the academia, reputed scientific organisations institutions and laboratories and private sector undertakings on relevant matters;

(d) studying specific and developing problems of policing in the State with the objective of evolving solutions and remedial measures;

(e) examining the prevalent system of policing and suggesting structural, institutional, and other changes that need to be introduced in the police to make its functioning more efficient and responsive; and

(f) concurrently evaluating and documenting the impact of modernisation and training policies of the state police and reporting its findings to the Director General of Police and the State Government.

Internal
Security
Unit.

32. (1) There shall be an Internal Security unit in the State, headed by an officer not below the rank of Additional Director General of Police, to oversee the internal security arrangements in the State in general and to deal with terrorism, leftwing extremism or any other form of militancy in particular. He shall be assisted by required number of Inspectors General of Police, Deputy Inspectors General of Police and other ranks.

(2) The Internal Security Unit shall have the following wings:—

- (i) Operational.
- (ii) Logistics.
- (iii) Intelligence.
- (iv) Investigation.
- (v) Technical.
- (vi) Analysis.
- (vii) Training.
- (viii) Administration.

(3) The Internal Security unit shall,

- (i) have its components in all Ranges and Commissionerates.
- (ii) co-ordinate with the other State, National or International agencies.
- (iii) have adequate budgetary support with state-of-the-art equipment, Information & Communication Technology, mobility and other infrastructure.

(4) The Additional Director General of Police shall be responsible for preparing and updating Internal Security Schemes and Disaster Management Schemes for the State, Commissionerates, Districts and other urban areas notified, to deal with problems of Public Order and Security of State, as specific to the area.

(5) The Government shall establish for each notified area, as an Emergency Response System, a well-equipped control room with adequate information and communication facilities, dedicated network of patrol vehicles and other necessary wherewithal.

(6) The Internal Security Schemes so formulated shall be reviewed, and revised as necessary, at least once annually and more frequently if required.

(7) The Internal Security Schemes will, as far as possible, cover all major problems the area is prone to or which can otherwise be anticipated in the whole or any part thereof. In preparing the Schemes, the Director General of Police shall give special attention to likely disturbance of public order arising out of non-implementation of developmental programmes in the backward and not so easily accessible areas.

(8) The schemes will provide that officers deploying the police to deal with situations of conflict between communities, classes, castes, and political groups shall ensure that its composition, as far as possible, reflects social diversity of the area including adequate representation of weaker sections and minorities.

(9) The Internal Security Scheme shall, *inter alia*, cover the role of the police with regard to the security of any establishment or installation relating to critical infrastructure, if any located in the area.

(10) Any organisation, while taking up any activity or programme which is otherwise unobjectionable but may have the potential for disturbing law and order may inform the police, and thereupon, the police shall take such measures as deemed necessary to deal with the situation.

(11) While preparing the Internal Security Scheme under Section 32, the police shall take into consideration the contingencies of specific law and order problems, and security requirements that may arise in such situations.

(12) The Internal Security Schemes will incorporate regularly updated and comprehensive Standard Operating Procedures for the action to be taken by the police, independently or in co-ordination with other concerned agencies in the period preceding, during, and in the aftermath of problems of each kind.

33. (1) There shall be a Police Welfare Bureau (hereinafter referred to as 'Bureau'), headed by an officer not below the rank of Deputy Inspector General of Police, in the office of the Director General of Police to advise and assist him in the implementation of welfare measures for police personnel. Welfare Bureau.

(2) The functions and duties of the Bureau shall, *inter alia*, include administration and monitoring of welfare measures for police personnel, such as,—

(a) health care, particularly in respect of chronic and serious ailments, and including post-retirement health care schemes for police personnel and their dependents;

(b) full and liberal medical assistance to police personnel suffering injury in the course of performance of duty ;

(c) financial security for the next of kin of those dying in harness;

(d) post-retirement financial security;

(e) group housing ;

(f) education and career counselling and training in appropriate skills for dependents of police officers; and

(g) appropriate legal facilities for defence of police officers facing court proceedings in matters relating to *bonafide* discharge of duty.

(3) The Bureau shall have as many members as prescribed, and shall comprise of representatives from all police ranks. It may have also include other members in an advisory capacity. The members of the Bureau shall be nominated by the Director General of Police.

(4) The Bureau shall lay down norms and policies relating to police welfare, and monitor welfare activities undertaken by various police units in the state.

(5) The Bureau shall interact with other Government Departments, public sector undertakings and other organisations to facilitate gainful employment for retired police officers, and for the dependents of police personnel who have laid down their lives in due discharge of their duties.

(6) A Police Welfare Fund, under the administration and control of the Bureau, shall be created for the welfare activities and programmes for police personnel, which will have two components,—

(a) outright financial grant by the State; and

(b) matching grant by the State to the contributions made by the police personnel, towards the welfare fund.

(7) The State Government shall provide adequate insurance coverage for all police personnel against any injury, disability, or death caused in the course of performance of their duty. Insurance cover allowances and medical facilities.

(8) Police officers posted in special wings, such as Counter-Terrorism Operations Units, Bomb Disposal Squads, Commando Groups etc. shall be paid risk allowance, commensurate with the risks involved in those duties.

(9) In addition to facilities as may be made available in police hospitals for general treatment and specialised services, police personnel shall also be provided with a medical insurance cover that would enable them to keep up the required standards of health and physical fitness.

(10) Facilities for stress management, including psychological counselling, to cope with professional stress, shall be given due attention in all police units and establishments.

CHAPTER VI

Recruitment, Appointment, Terms of Service, Pay, Promotion, Etc.

34. (1) The direct recruitments to non-gazetted ranks in the Police Service shall be made through a state-level Police Recruitment Board by a transparent process, adopting well-codified and scientific system and procedures. The recruitment standards and the details of procedure including written tests, physical and medical fitness tests shall be prescribed by the State Government. The Direct recruitment shall reflect adequate representation of all sections of society.

(2) The recruitment to the Indian Police Service and to the rank of Deputy Superintendent of Police shall be made through the Union Public Service Commission and the State Public Service Commission respectively.

(3) The direct recruitments shall be made only to the ranks of Civil Police Officer Grade II and Sub-Inspector :

Provided that the quota for direct recruitment to these two ranks shall be fixed as to provide a fair balance between the different ranks and prospects for promotion to eligible and meritorious at each level within a period of 8 to 10 years.

(4) Every Police Officers Grade II will undergo three years intensive training before being posted to the Service as a stipendiary cadet, and will, upon successful completion of training, have a graduation degree in police studies. Their scales of pay and conditions of service shall

therefore be commensurate with ranks in other services under the State, which require similar levels of educational qualifications and training.

(5) The age group for recruitments as stipendiary Police Officer Grade II cadet shall be 18 to 23 years. The minimum educational qualification shall be 10+2 Higher Secondary or equivalent examination. For the recruitment to the rank of Sub-Inspectors, the minimum qualification shall be graduation and the age limit 21 to 24 years.

(6) All those who are selected as stipendiary Police Officers Grade II cadet shall be given a three year intensive education and training on police subjects, including on-the-job training, prescribed by the State Government, which on successful completion should lead to award of a Bachelor's Degree in Police Studies :

Provided that a cadet shall not be given more than two opportunities to pass the prescribed degree examination. A cadet having failed to graduate successfully after two attempts will be deemed unsuitable to be appointed as a Civil Police Officer.

Oath of
affirmation
by police
personnel.

35. Appointment,—

(1) Every member of the Police Service enrolled under this Act shall, on appointment and completion of training, make and subscribe before the Superintendent of Police or Commissioner, as the case may be, or another officer appointed in that behalf by him as the case may be, an oath or affirmation, as prescribed.

Certificate
of
appointment.

(2) Every Police Officer of or below the rank of Inspector shall on appointment receive an insignia and a certificate in the form as prescribed. The certificate shall be issued under the hand and seal of such officer as the State Government may by general or special order direct.

(3) The certificate of appointment shall become *null* and *void*, and the insignia shall be deemed to be withdrawn whenever the person named therein ceases to belong to the Police Service or shall remain inoperative during the period such person is suspended from the service.

Promotion.

36. (1) Three promotions should ordinarily be available to all meritorious officers. The Police Recruitment Board shall evolve and lay down merit-*cum*-seniority criteria for promotion through a transparent process, for different ranks.

(2) Every promotion of Police Officers should be linked with screening examinations and intensive training, so as to ensure higher levels of professional competence and accountability.

(3) In order to provide a fast track for career progression to Police Officers, 50 per cent of direct recruitment posts of Sub-Inspectors in the state shall be earmarked for those Police Officers who have put

in between seven to ten years of service including the three-year period of probation, to be filled through a Limited Departmental Competitive Examination.

(4) The Government shall endeavour to introduce a shift system to ensure proper working hours consistent with efficiency in performance.

(5) The Director General of Police, with the approval of the State Government, shall try to outsource as many non-core police functions as possible, to enable police officers to concentrate on core police functions.

(6) Promotion to each rank in the Police Service shall be based on merit, which would include seniority, to be evaluated through the result of a qualifying examination and performance evaluation in respect of each officer. The Director General of Police shall, with the approval of the State Security Commission, frame the evaluation criteria for each rank and category of police personnel :

Provided, that for the Officers of the Indian Police Service, such evaluation criteria shall be as framed by the Government of India.

37. (1) An officer posted as a Station House Officer in a Police Station or as an officer-in-charge of a Police Circle or Sub-Division or as a Superintendent of Police of a District shall have a term of a minimum of two years and a maximum of three years :

Term of Office.

Provided that any such officer may be removed from his post before the expiry of the minimum tenure of two years consequent upon :

(a) Promotion to a higher post ; or

(b) conviction, or charges having been framed, by a Court of law in a criminal offence ; or

(c) punishment of dismissal, removal, discharge or compulsory retirement from service or of reduction to a lower rank awarded under the relevant Discipline & Appeal Rules ; or

(d) suspension from service in accordance with the provisions of the said Rules ; or

(e) incapacitation by physical or mental illness or otherwise becoming unable to discharge his functions and duties ; or

(f) the need to fill up a vacancy caused by promotion, transfer, or retirement.

(2) In exceptional cases, an officer may be removed from his post by the competent authority before the expiry of his tenure for gross inefficiency and negligence or where a *prima facie* case of a serious nature is established after a preliminary enquiry :

Provided that in all such cases, the competent authority shall report in writing the matter with all details to the next higher authority as well as to the Director General of Police. It shall be open to the aggrieved officer, after complying with the order, to submit a representation against his premature removal to the Police Establishment Board, which shall consider the same on merit and recommend due course of action to the competent authority.

*Explanation .—*Competent authority means an officer authorised to order transfers and postings for the rank concerned.

Transfers. **38.** (1) Inter-district transfers and postings of non-gazetted ranks, within a Police Range, shall be decided by the Range Deputy Inspector General, as competent authority, on the recommendation of a Committee comprising all the District Superintendents of Police of the Range.

(2) Postings and transfers of non-gazetted Police Officers within a Police District shall be decided by the District Superintendent of Police, as competent authority, on the recommendation of a District-level Committee in which all Additional / Deputy / Assistant Superintendents of Police posted in the District shall be members.

(3) While effecting transfers and postings of Police Officers of all ranks, the concerned competent authority shall ensure that every officer is ordinarily allowed a minimum tenure of two years in a posting. If any officer is to be transferred before the expiry of this minimum term, the competent authority must record detailed reasons for the transfer.

(4) No authority other than the authority having power under this Act to order transfer shall issue any transfer order.

Pay and Allowances. **39.** The pay, allowances, service and working conditions of police personnel shall be as prescribed by rules, from time to time. These shall always be equivalent to the other equal position in State Government service and to commensurate with the arduous nature of their duties special allowances shall be paid as notified by the State Government from time to time :

Provided that such special allowances shall be reviewed every two years and that the payment of allowances is timely.

CHAPTER VII

Superintendence of State, Strategic Police Plan, Financial Management, Co-ordination with Other Departments, Community Participation in Policing and Other Duties

40. (1) It shall be the responsibility of the State Government to ensure an efficient, effective, responsive and accountable Police Service for the entire state. For this purpose, the power of superintendence of the Police Service shall vest in and be exercised by the State Government in accordance with the provisions of this Act.

Superintendence of the state and strategic police plan.

(2) The State Government shall exercise its superintendence over the police in such manner and to such an extent as to promote the professional efficiency of the police and ensure that its performance is at all times in accordance with the law. This shall be achieved through laying down policies and guidelines, setting standards for quality policing, facilitating their implementation and ensuring that the police performs its task in a professional manner with functional autonomy.

(3) The State Government shall,—

(a) in consultation with the State Security Commission, draw up a Strategic Policing Plan for a five-year period (hereinafter referred to as the “Strategic Plan”), duly identifying the objectives of policing sought to be achieved during the period and setting out an action plan for their implementation ;

Strategic policing Plan and Annual policing plan.

(b) place before the State Legislature, within three months of the coming into force of this Act, the Strategic Plan, Subsequent Strategic Plans shall, thereafter, be laid before the State Legislature every three years.

(c) place before the State Legislature, at the beginning of each financial year, a Progress Report on the implementation of the Strategic Plan as well as an Annual Policing Plan (Annual Plan for short) that priorities the goals of the Strategic Plan for the year in question.

(4) The Strategic and Annual Plans shall be prepared after receiving inputs on the policing needs of the districts from the District Superintendents of Police who, in turn, shall formulate the same in consultation with the community.

(5) The Strategic Plan, the Progress Report and the Annual Plan shall be made readily accessible to the public.

Financial
Manage-
ment.

41. (1) The Director General of Police shall be responsible for submitting the budgetary requirements of the Police Service as a whole to the State Government, sufficiently in advance in the preceding financial year.

(2) The budgetary requirements shall be carefully worked out on the basis of realistic needs of each branch, wing, unit and sub-unit of the Police Service, obtained from the unit officers concerned.

(3) The District Superintendents of Police shall take special care to ensure that the financial requirements of each Police Station in the district are worked out meticulously and adequately projected in the budgetary demands of the district, thus leaving no scope for the Police Stations to feel handicapped for meeting the legitimate expenditure on day-to-day police work.

(4) The budgetary allocations made by the Legislature shall be placed at the disposal of the Director General of Police who shall be vested with full powers to spend the amounts earmarked under each head of the Budget Account.

(5) In order to meet different kinds of contingency expenditure, sufficient imprest money shall be provided to police stations and other police units, the amount of which shall be reviewed and revised from time to time, as per the exigencies of circumstances.

Co-
ordination
with other
State
Agencies.

42. (1) For the purpose of efficiency in the general administration of the district, it shall be lawful for the District Magistrate, in addition to the provisions of the Code of Criminal Procedure, 1973 and other relevant Acts, to co-ordinate the functioning of the police with other agencies of district administration in respect of matters relating to the following :—

(a) the promotion of land reforms and the settlement of land disputes ;

(b) extensive disturbance of the public peace and tranquility in the district ;

(c) the conduct of elections to any public body ;

(d) the handling of natural calamities and rehabilitation of the persons affected thereby ;

(e) situations arising out of any external aggression or internal disturbances ;

(f) any similar matter, not within the purview of any one department and affecting the general welfare of the public of the district ; and

(g) removal of any persistent public grievance.

(2) For the purpose of such co-ordination, the District Magistrate may call for information of a general or special nature, as and when required, from the Superintendent of Police and heads of other departments of the district. Where the situation so demands, the District Magistrate shall pass appropriate orders and issue directions in writing, to achieve the objective of co-ordination.

(3) For the purpose of co-ordination, the District Magistrate shall ensure that all departments of the district, whose assistance are required for the efficient functioning of the police, will render full assistance to the Superintendent of Police.

(4) The District Magistrate may require from the Superintendent of Police reports, either special or general on any matters connected with the crimes, habitual offenders, prevention of disorder, regulation of assemblies and amusements, distribution of the police force, conduct and character of subordinate police officer, utilization of auxiliary means and all other matters in furtherance of his control over the police force and maintenance of order.

43. The Commissioner of Police or the Superintendent of Police shall ensure effective community policing through constituting Citizen Committee after every two years, Programmes involving the children & youth and Helpline Desks ;

Community
participation
policing.

(1) The Citizen Committee :

(a) For every police station, there shall be a citizen committee comprising of respectable residents of the area.

(b) It shall have a fair representation of gender, class, social group, profession and other segments of the society.

(c) It shall meet at least once in a quarter.

(d) Station House Officer, Circle Inspector and Sub-Divisional Police Officer shall attend the citizen committee meetings.

(e) The meetings shall be open to public.

(f) The committee shall identify the existing and emerging policing needs of the area, besides involving them in working out and implementing policing strategies and action plans, and in the performance of such other functions as prescribed.

(g) Station House Officer shall take into account such needs for preparing the annual action plan.

(h) Station House Officer shall report to the Citizen Committee the action taken on the plan.

(i) Station House Officer shall explain the reasons for any inadequacies or failures noticed by the committee.

(j) Station House Officer shall, through the citizen Committee, create public awareness on any issue concerning policing.

(k) Members of political parties should not become member of Citizen Committee.

(2) Programmes involving children :—

(a) Station House Officer shall undertake various campaigns with the objective to prevent child labour, child abuse, female, infanticide.

(b) Programmes shall be organised for local children to educate them about personal safety, policing, traffic rules, etc.

(3) Programmes involving youth :—

(a) Promote the concept of 'young friends of police'.

(b) Impart civilian rifle training.

(c) Train aspirant youth for police jobs.

(4) Helpline Desks :—

(a) Helplines for women, children and the aged.

(b) 'May I Help You' kiosks.

Police to be associated in urban planning.

44. While planning for any major developmental activity including development any residential, commercial, public or transport facilities, in urban areas, the concerned agency shall consult the Commissioner of Police to assess the likely impact of the proposed developmental activity on the safety and security needs of the citizens or any other policing requirements. Such consultation shall be given due consideration in finalising the plan.

Powers to operate certain special Acts.

45. The State Government shall, by special or general orders, direct the Commissioner or Superintendent of Police to take special steps to enforce certain Acts and especially the following Acts as well as other similar Acts, as it deems necessary:—

(1) The Mental Health Act, 1987.

(2) The Poisons Act, 1919.

(3) The Police (Incitement to Disaffection) Act, 1922.

(4) The Immoral Traffic Prevention Act, 1956.

(5) The Prevention of Cruelty to Animals Act, 1960.

(6) The Indian Sarais Act, 1867.

(7) The Cinematograph Act, 1952.

(8) The Prohibition of Child Marriage Act, 2006.

(9) Protection of Women against Domestic Violence Act.

(10) Unlawful activities (prevention) amendment Act, 2004.

CHAPTER VIII

State Security Commission, Establishment Board and Complaint Authority

46. The State Government shall, within six months of the coming into force of this Act, establish a State Security Commission to exercise the functions assigned to it under the provisions of this Chapter. State Security Commission.

47. Composition of the Commission :— Composition of Commission.

(1) The State Security Commission shall have as its members,

- (a) the Home Minister as its Chairperson ;
- (b) the Leader of the Opposition in the State Assembly ;
- (c) a retired High Court Judge, nominated by the Chief Justice of the High Court ;
- (d) the Chief Secretary ;
- (e) the Secretary in charge of the Home Department ;
- (f) the Director General of Police as its Member-Secretary ; and
- (g) five non-political persons of proven reputation for integrity and competence (hereinafter referred to as “ Independent Members ”) from the fields of academia, law, public administration, media or NGOs, to be appointed on the recommendation of the Selection Panel constituted under Section 43.

(2) The composition of the Commission shall reflect adequate gender and minority representation, and will have not less than two women as members.

(3) No serving Government employee shall be appointed as an Independent Member.

(4) Any vacancy in the State Security Commission shall be filled up as soon as practicable, but not later than three months after the seat has fallen vacant.

48. Panel for selection of Independent Members :—

(1) Independent Members of the State Security Commission shall be appointed on the recommendation of a Selection Panel, which shall consist of .—

- (a) a retired Chief Justice of a High Court as its Chairpersons, to be nominated by the Chief Justice of the High Court;

	<p>(b) the Chairperson of the State Human Rights Commission, or in the absence of such Commission in the state, a person nominated by the Chairperson of the National Human Rights Commission ; and</p> <p>(c) the Chairperson of the State Public Service Commission.</p>
Method of Selection.	<p>(2) The Selection Panel shall evolve its own procedure to select Independent Members through a transparent process.</p> <p>(3) Grounds of ineligibility for Independent Members. No person shall be appointed as an Independent Member of the State Security Commission if he,—</p> <p>(a) is not a citizen of India ; or</p> <p>(b) has been convicted by a Court of law or against whom charges have been framed in a Court of law ; or</p> <p>(c) has been dismissed or removed from service or compulsorily retired on the grounds of corruption or misconduct ; or</p> <p>(d) holds an elected office, including that of Member of Parliament or State Legislature or a local body, or is an office-bearer of any political party or any organisation connected with a political party ; or</p> <p>(e) is of unsound mind.</p>
Term of office independent Members.	<p>(4) A person shall be appointed as an Independent Member for a period of three years. The same persons shall not be appointed for more than two consecutive terms.</p>
Removal of independent members.	<p>(5) An Independent Member may be removed from the State Security Commission by a two-thirds majority of members of the Commission on any of the following grounds :—</p> <p>(a) proven incompetence ; or</p> <p>(b) proven misbehaviour ; or</p> <p>(c) failure to attend three consecutive meetings of the State Police Commission without sufficient cause ; or</p> <p>(d) incapacitation by reasons of physical or mental infirmity or otherwise becoming unable to discharge his functions as a member.</p> <p>(6) In addition, an Independent Member shall be removed from the State Security Commission if he incurs any of the grounds of ineligibility specified under Section (3) of 48.</p> <p>(7) The State Security Commission shall explicitly state in writing the grounds for such removal.</p>

49. The State Security Commission shall perform the following functions :—

Functions
of the State
Security
Commission.

(1) frame broad policy guidelines for promoting efficient, effective, responsive and accountable policing, in accordance with the law ;

(2) prepare panels of police for the rank of Director General of Police against prescribed criteria with the provisions of Section 6 of Chapter II ;

(3) identify performance indicators to evaluate the functioning of the Police Service. These indicators shall, *inter alia*, include : operational efficiency, public satisfaction, victim satisfaction *vis-a-vis* police investigation and response, accountability, optimum utilisation of resources, and observance of human rights standards ; and

(4) in accordance with the provisions of Chapter X, review and evaluate organisational performance of the Police Service in the state as a whole as well as district-wise against (i) the Annual Plan, (ii) performance indicators as identified and laid down, and (iii) resources available with and constraints of the police.

50. The expenses on account of remuneration, allowances and travel in connection with official business of the State Security Commission, in respect of the Independent Members of the Commission shall be borne by the State Government.

Expenses of
the State
Security.

51. Annual Report of the State Security Commission :

Annual
report of
the State
Security
Commission.

(1) The Commission shall, at the end of each year, present to the State Government a report on its work during the preceding year as well on the evaluation of performance of the Police Service, as provided for in Chapter XIII.

(2) The State Government shall lay the Annual Report before the State Legislature in the budget session. The Annual Report shall be made easily accessible to the public.

52. Police Establishment Board :

(1) Establishment Board shall have the Director General of Police as its Chairperson and four other senior-most officers within the police organisation of the state as members.

(2) The Establishment Board shall accept and examine complaints from police officers about being subjected to illegal orders. The Establishment Board shall make appropriate recommendation to the Director General of Police for necessary action :

Provided, that if the matter under report involves any authority of or above the ranks of the members of the Establishment Board, it shall forward such report to the State Police Committee for further action.

(3) The Establishment Board shall recommend names of suitable officers to the State Government for posting to all the positions in the ranks of Assistant/Deputy Superintendents and above in the police organisation of the state, excluding the Director General of Police. The State Government shall ordinarily accept these recommendations, and if it disagrees with any such recommendation, it shall record reasons for disagreement.

(4) The Establishment Board shall also consider and recommend to the Director General of Police the names of officers of the ranks of Sub-Inspector and Inspector for posting to a Police Range on initial appointment, or for transfer from one Police Range to another, where such transfer is considered expedient for the Police Service.

CHAPTER IX

Regulation, Control and Discipline Framing of rules for administration of Police

53. Subject to the approval of the State Security Commission, the Director General of Police shall make rules, regulations or issue orders, not inconsistent with this Act or with any other enactment for the time being in force for :

- (a) prevention and investigation of crime ;
- (b) maintenance of law and order ;
- (c) regulation and inspection of the police organisation, and of the work performed by police officers ;
- (d) determining the description and quantity of arms, accoutrements, clothing and other wherewithal to be provided to the Police Service ;
- (e) prescribing the places of residence of members of the Police Service ;
- (f) institution, management and regulation of any non-Government fund for purpose connected with the police administration or welfare of police personnel ;
- (g) regulation, development, movements and location of the police.
- (h) assigning duties to officers of all ranks and grades, and prescribing the manner and the conditions subject to which, they shall exercise and perform their respective powers and duties.
- (i) regulating the collection and communication of intelligence and information by the police.

(j) prescribing the records registers and forms to be maintained and the returns to be submitted by different police units and officers ; and

(k) generally, for the purpose of rendering the police more efficient, and preventing abuse of power and neglect of duties by them.

54. (1) Subject to the provisions of Article 311 of the Constitution and the Rules and Regulations made under this Act, an officer of the rank of Superintendent of Police or above may award any of the following punishment to a police officer of a rank for which he is the appointing authority : Disciplinary Penalties.

- (a) reduction in rank ;
- (b) compulsory retirement ;
- (c) removal from service ; or dismissal

(2) Any police officer of the rank of Superintendent of Police or above, subject to the rules made in this behalf, may award any of the following punishments to any non-gazetted police officer subordinate to him :

- (a) reduction in pay ;
- (b) withholding of increment ;
- (c) withholding of promotion ;
- (d) fine not exceeding one month's pay ; or
- (e) reprimand or censure ;

(3) An Assistant Superintendent of Police or any officer of equivalent rank may award the punishment of reprimand or censure to an officer of or below the rank of Sub-Inspector of Police.

(4) Any officer of and above the rank of Inspector may award punishments to Police Officer Grade-I and II, as prescribed.

(5) Any punishment mentioned in sub-sections (1), (2), (3) or (4) awarded to an officer, will not affect his liability for prosecution for any criminal offence committed by him in the same transaction for which departmental action has led to award of punishment to him for any transgression of departmental rules Suspension.

(6) A Police Officer of or above the rank of Superintendent of Police may place a Police Officer of the rank of Inspector or below subordinate to him, under suspension :—

- (a) where a disciplinary proceeding for award of punishment against him is contemplated or is pending ;
- (b) where in the opinion of the aforesaid authority, there is a *prima facie* case that such officer has engaged himself in activities

prejudicial to the Security of State for which an enquiry is contemplated or pending ; or

(c) where in the opinion of the aforesaid authority there is *prima facie* evidence in respect of any criminal offence under investigation, inquiry or trial.

(7) Every order of suspension passed under this section shall be in writing, giving briefly the reasons.

(8) Where an officer is placed under suspension, whether in connection with a disciplinary proceeding or otherwise, and another disciplinary proceeding is ordered against him during the currency of that suspension, the authority competent to place him under suspension may, for reasons to be recorded in writing, direct that the officer shall continue to be under suspension until the completion of all or any of such proceedings.

(9) An order of suspension so made may at any time be revoked or modified, or in any case be reviewed every six months or earlier, *suo moto* or on a representation made by the officer under suspension, by the authority which made the order or by any authority to which such authority is subordinate.

(10) In case the period of suspension exceeds two years, the case shall be referred to the State Security Commission for appropriate directions.

(11) Suspension orders of officers of subordinate rank shall be made only by Police Officers above or of the equivalent rank of Superintendent of Police.

Misconduct.

(12) A Police Officer shall, in addition to any other delinquent act or behaviour, as specified in the relevant rules, be liable for disciplinary action for any of the following misconduct :—

- (a) disobedience of lawful orders ;
- (b) neglect of duty ;
- (c) insubordination or any oppressive conduct ;
- (d) unauthorised malingering or absence from duty ;
- (e) act of cowardice ;
- (f) misuse of authority ; or
- (g) any act unbecoming of an officer.

Appeal's
against any
order of
punishment.

(13) An appeal against any order of punishment passed against an officer under Section 54(1), (2) or any rules made there under, shall lie,—

(a) where the order is passed by the Director General of Police, to the State Security Commission ; and

(b) where the order is passed by an officer subordinate to the Director General of Police, to the officer next higher in rank in the police hierarchy who passed such order.

55. (1) The State Government shall frame the Classification, Control and Appeals Rules for Police personnel, which will, among other things, ensure timely disposal of disciplinary proceedings. Separate set of rules for police personnel.

(2) Police Officers always on duty,—

(a) Every Officer not on leave or under suspension shall, for all purposes of this Act, be considered to be always on duty and may at any time be deployed in any part of the state.

(b) The State Government shall, however, ensure the grant of at least one day off in a week to all Police personnel or make provision of appropriate compensatory benefits in lieu of such weekly off, if under extraordinary situations the same cannot be granted to any of them.

(3) No Police Officer shall abdicate his duties or withdraw himself from his place of posting or deployment, without proper authorisation.

*Explanation :—*An Officer who, being absent on authorised leave, fails without reasonable cause to report for duty at the expiration of such leave, shall be deemed within the meaning of this Section to withdraw himself from the duties of his office.

(4) No Police Officer shall engage in any other employment or office of profit whatsoever, other than his duties under this Act.

CHAPTER X

Police Accountability

56. In addition to the already existing mechanisms, and functions, duties and responsibilities of the departmental authorities, accountability of the police shall be further ensured through the additional mechanisms detailed in this chapter.

57. (1) The State Government shall, within three months of the coming into effect of this Act, establish a State-level Police Accountability Authority, consisting of a Chairperson, Members and such other staff as may be necessary, to inquire into public complaints supported by sworn statement against the police personnel for serious misconduct and perform such other functions as stipulated in this Chapter. Police Accountability authority.

(2) The Authority shall have five members with a credible record of integrity and commitment to human rights and shall consist of :— Composition of the authority.

(a) a retired High Court Judge, who shall be the Chairperson of the Authority ;

(b) a retired police officer from another state cadre, superannuated in the rank of Director General of Police ;

(c) a person with a minimum of 10 years of experience either as a judicial officer, public prosecutor, practicing advocate, or a professor of law ;

(d) a person of repute and standing from the civil society, not having background of Bureaucracy ; and

(e) a retired officer with experience in public administration from another state :

Provided that at least one member of the Authority shall be a woman and not more than one member shall be a retired police officer.

Section of
Chairperson
and
member of
the
commission.

(3) (a) The Chairperson of the Authority shall be appointed out of a panel of three retired High Court Judges, received from the Chief Justice of the High Court concerned.

(b) Members of the Authority, other than the Chairperson, shall be appointed on the recommendation of a Selection Panel consisting of (i) the Chairperson of the Authority appointed under sub-section (1) ; (ii) the Chairperson of the State Public Service Commission; and (iii) the Chairperson or a member of the State Human Rights Commission or, in the event of there being no such commission in the State, the ' Lokayukta ' or the Chairperson of the State Vigilance Commission.

(c) The Selection Panel shall be constituted no later than one month from the coming into effect of this Act, and shall nominate members of the Authority within two months of its constitution, and as and when required thereafter.

(d) Vacancies in the Authority shall be filled up as soon as practicable, and in no case later than three months after a seat has fallen vacant.

(e) In selecting members of the Authority, the Panel shall adopt a transparent process.

Ineligibility
for
membership.

(4) A person shall be ineligible to be a member of the Authority, if—

(a) is not a citizen of India ;

(b) is above 70 years of age ;

(c) is serving in any police, military or allied organisation, or has so served in the twelve months preceding such appointment ;

(d) is employed as a public servant ;

(e) holds any elected office, including that of Member of Parliament or State Legislature or any local body ;

(f) is a member of, or is associated in any manner with, an organisation declared as unlawful under an existing law ;

(g) is an office-bearer or a member of any political party ;

(h) has been convicted for any criminal offence involving moral turpitude or for an offence punishable with imprisonment of one year or more ;

(i) is facing prosecution for any offence mentioned in Sub-section (h) above and against whom charges have been framed by a court of law ; or

(j) is of unsound mind and has been so declared by a competent court.

(5) The term of office of a member, and the Chairperson, shall be three years unless :—

Term of office and conditions of service of members and.

(a) he resigns at any time before the expiry of his term ; or

(b) he is removed from the office on any of the grounds mentioned in Section 57 (4).

(6) Members shall be eligible for reappointment on the expiry of term :

Provided that no member shall be eligible to hold office for more than two terms.

(7) The remuneration, allowances and other terms and conditions of service of the members shall be as notified by the State Government from time to time and shall not be varied to their disadvantage after appointment.

(8) Any member of the Authority may be removed from office, on the recommendation of the Authority, by an order of the State Government on the grounds of :—

Removal of members.

(a) proven misconduct or misbehaviour ;

(b) persistent neglect to perform duties of the Authority ;

(c) occurrence of any situation that would make a member ineligible for appointment to the Authority under Section 57 (4) ; or

(d) any member engaging himself during his term of office in any paid employment outside the duties of his office.

(9) Members of the Authority shall be assisted by adequate staff with requisite skills, for efficient discharge of their functions of the Authority.

The staff of the Authority.

(a) The strength of the staff may be prescribed by the State Government, keeping in view the size of the state, its population, and the average number of complaints against the police, and shall be periodically reviewed and revised.

(b) The staff shall be selected by the Authority, *inter alia*, on a contractual basis, through a transparent process.

(c) The remuneration and other terms and conditions of service of the staff shall be as prescribed from time to time.

(10) The Authority shall devise its own rules for the conduct of its business.

Conduct of business.

Functions of the Authority. (11) The Authority shall inquire into allegations of “serious misconduct” against police personnel, as detailed below, either *suo moto* or on a complaint received from any of the following,—

- (a) a victim or any person on his behalf ;
- (b) the National or the State Human Rights Commission ;
- (c) the police ; or
- (d) any other source.

Explanation :—“ Serious misconduct ” for the purpose of this chapter shall mean any act or omission of a police officer that leads to or amounts to :—

- (a) death in police custody ;
- (b) grievous hurt, as defined in Section 320 of the Indian Penal Code, 1860 ;
- (c) rape or attempt to commit rape ; or
- (d) arrest or detention without due process of law :

Provided that the Commission shall inquire into a complaint of such arrest or detention, only if it is satisfied *prima facie* about the veracity of the complaint.

(12) The Authority may also inquire into any other case referred to it by the Director General of Police if, in the opinion of the Commission, the nature of the case merits an independent inquiry.

(13) The Authority may monitor the status of departmental inquiries or departmental action on the complaints of “ misconduct ” against Gazetted Officers of and above the rank of Deputy/Assistant Superintendent of Police through a quarterly report obtained periodically from the Director General of Police, and issue appropriate advice to the police department for expeditious completion of inquiry, if in the Authority’s opinion the departmental inquiry or departmental action is getting unduly delayed in any such case ;

Explanation :—“ Misconduct ” in this context shall mean any wilful breach or neglect by a police officer of any law, rule, regulation applicable to the police that adversely affects the rights of any member of the public, excluding “ serious misconduct ” as defined in sub-Section (11).

(14) The Authority may also call for a report from, and issue appropriate advice for further action or, if necessary, a direction for a fresh inquiry by another officer, to the Director General of Police when a complainant, being dissatisfied by the outcome of, or inordinate delay in the process of departmental inquiry into his complaint of “ misconduct ” as defined above, by any police officer, brings such matter to the notice of the Commission ; and

(15) The authority may lay down general guidelines for the state police to prevent misconduct on the part of police personnel.

(16) The Authority can initiate inquiry *Suo-moto* on the matters that amounts to “ Misconduct ” excluding “ serious misconduct ” as defined in sub-section (11).

(17) In the cases directly enquired by it, the authority shall have all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908, and in particular in respect of the following matters :—

Powers of
the
Authority.

(a) summoning and enforcing the attendance of witnesses and examining them on oath ;

(b) discovery and production of any document ;

(c) receiving evidence on affidavits ;

(d) requisitioning any public record or copy thereof from any court or office ;

(e) issuing authorities for the examination of witnesses or documents ; and

(f) any other matter as may be prescribed.

(18) The authority shall have the power to require any person, subject to legal privilege, to furnish information on such points or matters as, in the opinion of the Commission, may be useful for, or relevant to, the subject matter of the inquiry, and any person so required shall be deemed to be legally bound to furnish such information within the meaning of Sections 176 and 177 of the Indian Penal Code, 1860.

(19) The authority shall be deemed to be a Civil Court, and when any offence, as defined in Sections 175, 178, 179, 180 or 228 of the Indian Penal Code, 1860, is committed in the view or presence of the Commission, the authority may, after recording the facts constituting the offence and the statement of the accused as provided for in the Code of Criminal Procedure, 1973, forward the case to a Magistrate having jurisdiction to try the same. The Magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case has been forwarded to him under Section 346 of the Code of Criminal Procedure, 1973.

(20) Every proceeding before the authority shall be deemed to be a judicial proceeding within the meanings of Sections 193 and 228, and for the purposes of Section 196 of the Indian Penal Code, 1860, the Authority shall be deemed to be a civil court for all the purposes of Section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

(21) The Authority shall have the power to advise the State Government on measures to ensure protection of witnesses, victims, and their families who might face any threat or harassment for making the complaint or for furnishing evidence.

(22) The authority may visit any police station, lock-up, or any other place of detention used by the police and, if it thinks fit, it may be accompanied by a police officer.

(23) The Authority should have powers to call for evidence and other relevant documents of the inquiry where the complainant alleges bias or is otherwise unsatisfied with departmental inquiry.

(24) where Authority is convinced that there is inordinate delay in process of the departmental inquiry it should have greater powers than merely “ advisory powers ”—Authority should have powers to order completion within stipulated time period subject to condoning further delay on reasonable ground.

(25) In addition to ordering a re-inquiry or an expeditious completion, Authority shall have powers to take over inquiry by itself in the interest of justice.

(26) the authority or their representative specially authorized in this behalf by authority may enter any building or place including police station or office of a police officer where the authority has reason to believe that any document relating to the subject matter of inquiry may be found and may seize any such document or take copies there from subject to the provisions of section 100 of CRPC, 1973 in so far as applicable.

Statements
made to
the
Authority.

(27) No statement made by a person in the course of giving evidence before the authority shall subject that person to a civil or criminal proceeding or be used against him in such proceeding, except a prosecution for giving false evidence :

Provided that the statement ,—

(a) is made in reply to the question which he is required by the authority to answer ; or

(b) is relevant to the subject matter of the inquiry :

Provided further that on conclusion of the inquiry into a complaint of ‘ serious misconduct ’ against the police personnel, if the authority is satisfied that the complaint was vexatious, frivolous or malafide, the authority may impose such fine as considered appropriate on the complainant.

(28) Persons likely to be prejudicially affected to be heard if, at any stage of the inquiry, the authority considers it necessary to inquire into the conduct of any person, or is of the opinion that the reputation of any person is likely to be prejudicially affected by the inquiry, it shall give that person a reasonable opportunity of being heard in the inquiry and to produce evidence in his support :

Provided that nothing in this section shall apply where the credibility of a witness is being impeached.

(29) Decisions and Directions of the authority,—

(a) In the cases directly inquired by the Commission, it may, upon completion of the inquiry, communicate its findings to the Director General of Police and the State Government with a direction to :—

(i) register a First Information Report ; and/or

(ii) initiate departmental action based on such findings, duly forwarding the evidence collected by it to the police. Such directions of the authority shall be binding :

Provided that the Commission, before finalising its own opinion in all such cases shall give the Director General of Police an opportunity to present the department's view and additional facts, if any, not already in the notice of the Commission :

Provided, further that, in such cases, the authority may review its findings upon receipt of additional information from the Director General of Police that may have a material bearing on the case.

(b) The Authority may also recommend to the State Government payment of monetary compensation by the Government to the victims of the subject matter of such an inquiry.

(30) The authority shall prepare an annual report at the end of each calendar year, *inter alia*, containing ; Reports the Authority.

(a) the number and type of cases of “ serious misconduct ” inquired into by it ;

(b) the number and type of cases of “ misconduct ” referred to it by the complainants upon being dissatisfied by the departmental inquiry into his complaint ;

(c) the number and type of cases including those referred to in (b) above in which advice or direction was issued by it to the police for further action ;

(d) the number of complaints received by the District Accountability Authorities, and the manner in which they were dealt with ;

(e) the identifiable patterns of misconduct on the part of police personnel in the State ; and

(f) recommendations on measures to enhance police accountability.

(31) shall be made easily accessible to the public.

(32) The authority may also prepare special reports with respect to specific cases directly inquired into by it. These reports shall also be made easily accessible to the public.

58. (1) The State Government shall establish in each police district or a group of districts in a police range, a District Accountability Authority to monitor departmental inquiries into cases of complaints of misconduct against police personnel, as defined in Section 58 (10) (c). District Accountability Authority.

(2) The District Accountability Authority shall have three members with a credible record of integrity and commitment to human rights and shall consist of a retired District and Sessions Judge, who shall be the Chairperson of the Authority ; a retired senior police officer, and a person with a minimum of 10 years total experience as a judicial officer, public prosecutor, practicing advocate, professor of law, or a person with experience in public administration, as Members.

(3) The Chairperson and other members of the District Accountability Authorities will be appointed by the Government on the recommendation of the Selection Panel referred to in Section 57(3).

(4) Vacancies in the Authority shall be filled up as soon as practicable, and in no case later than three months after a seat has been vacated.

(5) In selecting members of the Authority, the Selection Panel shall adopt a transparent process.

(6) The conditions of eligibility, term of office, terms and conditions of service, and conditions of removal from office for the Chairperson and members of the District Accountability Authorities will be the same as provided, in Sections 57 (4), (5), and (8) respectively.

(7) The District Accountability Authority shall be assisted by adequate legal and administrative staff with requisite skills and experience.

(8) The staff shall be selected by the Commission, *inter alia*, on a contractual basis, through a transparent process.

(9) The remuneration and other terms and conditions of service of the staff shall be as prescribed from time to time.

(10) Functions of District Accountability Authority.

Functions
of District
Accountability
Authority.

The District Accountability Authority shall ,—

(a) forward the complaints of “ serious misconduct ”, received directly by it, to the authority for further action ;

(b) forward for further action, the complaints of “ misconduct ” received directly by it, to the District Superintendent of Police.

Provided, that if the complaint contains allegations against any police officer of or above the rank of Assistant/Deputy Superintendent of Police, the District Accountability Authority shall forward the same to the Director General of Police under intimation to the State Authority, for further action.

(c) monitor the status of departmental inquiries or action on the complaints of “ misconduct ” against officers below the rank of Assistant/Deputy Superintendent of Police, through a quarterly report obtained periodically from the District Superintendent of Police ;

(d) issue appropriate advice to the District Superintendent of Police for expeditious completion of inquiry, if, in the Authority’s opinion, the inquiry is getting unduly delayed in any such case ;

(e) report cases to the State Authority where departmental enquiry into “ misconduct ” is not concluded in time by the police department in spite of the Authority’s advice(s) to the District Superintendent of Police issued under sub-section (d) above.

(11) The Authority may also, in respect of a complaint of “ misconduct ” against an officer below the rank of Assistant/Deputy Superintendent Police, call for a report from, and issue appropriate advice for further action or, if necessary, a direction for fresh inquiry by another officer, to the District Superintendent of Police when a complainant, being dissatisfied by an inordinate delay in the process of departmental inquiry into his complaint of “ misconduct ” or outcome of the inquiry if the principles of natural justice have been violated in the conduct of the disciplinary inquiry, brings such matter to its notice ;

(12) Each District Accountability Authority shall prepare and submit to the State Authority an annual report before the end of each calendar year, *inter alia*, containing :

Report of the District Accountability Authority.

(a) the numbers and types of cases of “ serious misconduct ” and “ misconduct ” forwarded by it to the State authority and the District Superintendents of Police respectively, during the year ;

(b) the number and types of cases monitored by it during the year ;

(c) the number and types of cases of “ misconduct ” referred to it by the complainants upon being dissatisfied by the departmental inquiry into his complaint ;

(d) the number and types of cases referred to in (c) above in which advice or direction was issued by it to the police for further action ; and

(e) recommendation on measures to enhance police accountability.

(13) The authority shall control and supervise, and issue suitable directions to the District Authorities for their proper functioning.

Relationship between the State Authority and the District Authority.

(14) The District Authorities will assist the State Authority in every way for the proper discharge of the Commission’s functions.

(15) Where the State Authority considers that any of the conditions laid down in Section 57 (8) read with Section 58 (6) of this Chapter for the removal of a member has been fulfilled, it shall be competent to request the State Government to initiate appropriate proceedings against that member of the District Authority.

59. (1) The complainant may lodge his complaint relating to any “ misconduct ” or “ serious misconduct ” on the part of police personnel with either the departmental police authorities or with the State Authority or the District Accountability Authority :

Rights of the Complainant.

Provided that no complaint shall be entertained by the State Authority or the District Authority if the subject matter of the complaint is being examined by any other commission, or any court.

(2) In cases where a complainant has lodged a complaint with the police authorities, he may inform the State Authority or the District Accountability Authority at any stage of the departmental inquiry about any undue delay in the processing of the inquiry.

(3) The complainant shall have a right to be informed of the progress of the inquiry from time to time by the inquiring authority (the concerned police authority, State Authority or the District Accountability Authority). Upon completion of inquiry or departmental proceedings, the complainant shall be informed of the conclusions of the same as well as the final action in the case at the earliest.

(4) The complainant may attend all hearings in an inquiry concerning his case. The complainant shall be informed of the date and place of each hearing.

(5) All hearings shall be conducted in a language intelligible to the complainant. In a case where hearings cannot be conducted in such a language, the services of an interpreter shall be requisitioned if the complainant so desires.

(6) Where upon the completion of the departmental inquiry, the complainant is dissatisfied with the outcome of the inquiry on the grounds that the said inquiry violated the principles of natural justice, he may approach the State Authority or the Authority for appropriate directions.

Duty the
police and
other state
agencies.

60. Duties of the Police with regards to Complaint Authority :

(1) All police officers and authorities shall refer all allegations of "serious misconduct" against police personnel, coming to their notice, to the Commission.

(2) It shall be the duty of the heads of the district police and of the state police as well as of any other concerned state agency to provide to the Commission and to the District Accountability Authority all information they may reasonably require to perform their duties provided for in this Chapter.

61. Interference with the functioning of the State Authority or the District Authority :

Whoever influences or interferes with the functioning of the Commission or the District Accountability Authority, except in the course of lawful duty, shall, on conviction by a court of law, be liable to a fine or to an imprisonment for a term not exceeding one year, or both.

notwithstanding, anything contained in any law, a prosecution under this section shall not require prior sanction of govt.

Explanation : Any threat, coercion or inducement offered to any witness or victim of police misconduct or serious misconduct, shall be deemed to the interference with the functioning of the Authority for the purposes of this Section.

62. Training of the members and Staff of Complaint Authority : Training.

It shall be the duty of the authority to ensure that all its Members, and other staff as well as Members of the District Accountability Authorities and their staff are regularly trained, *inter alia*, about,—

- (a) technical and legal issues related to departmental inquiries ;
- (b) specific forms of human rights violation ; and
- (c) appropriate handling of victims of police abuse.

63. Accountability for Performance,—

Review of
police
performance.

(1) The State Security Commission created under Section 46 of Chapter VIII shall regularly evaluate and review the performance of the Police Service in the state as a whole and also districtwise. For this purpose, the Commission shall,—

(a) identify performance indicators to evaluate the functioning of the Police Service, which shall, *inter alia*, include operational efficiency, public satisfaction, victim gratification *vis-a-vis* police investigation and response, accountability, optimum utilisation of resources, and human rights record ;

(b) review and evaluate organisational performance of the State police against : (i) the Annual Plan provided for in Section 40 (3) of this Act, (ii) performance indicators as identified and laid down by the Commission itself (iii) resources available with, and constraints of the police ;

(c) lay down policy guidelines for gathering information and statistics related to police work ; and

(d) suggest ways and means to improve the efficiency, effectiveness, accountability, and responsiveness of the police.

(2) In order to assist the Commission to regularly review and evaluate police performance, the State Government may establish an Inspectorate of Performance Evaluation, headed by a police officer superannuated in the rank of Director General of Police, assisted by as many staff members as prescribed and drawn from amongst serving or retired police officers, social scientists, police academics and crime statisticians, appointed by the State Government from panels of names recommended by the Commission.

(3) The conditions of eligibility, term of office, and conditions of service, and conditions of removal from office of non-official members of the Inspectorate will be the same as provided in Sections 57 (4), (5) and (8) respectively.

(4) In evaluating police performance, the Commission may by itself or through its Inspectorate or any other agency or officers authorised by them in this behalf :

(a) visit any Police Stations, offices or any other police establishment ;

(b) examine any document and records maintained by the police ; and

(c) make arrangements to conduct various kinds of surveys including public opinion surveys.

Reports of Board on Police performance. **64.** (1) The Commission shall, at the end of each calendar year, prepare and forward to the State Government an annual report on police performance, which shall, *inter alia*, include recommendations for improvement.

(2) This report shall be laid before the State Legislature in the budget session and shall be a public document, made easily accessible to the public.

Protection of action taken in good faith. **65.** No suit or other legal proceeding shall lie against the State Government, the State Security Commission, its members and staff, the Police Accountability Commission, its members, staff or any person acting under the direction of the Commission or the Commission, or members or staff of the District Accountability Authorities, in respect of anything which is in good faith done or intended to be done in pursuance of the provisions of this Chapter.

Funding. **66.** The State Government shall ensure that adequate funds are provided to the authority and the District Accountability Authorities for the effective performance of their functions and that the police shall not be required to provide any material or human resources to the State Authority or the District Accountability Authorities for their smooth functioning.

CHAPTER XI

Grievance Redressal Mechanisms for Police Personnel

Grievance Redressal. **67.** (1) The Director General of Police, with the approval of the State Government shall put in place, a fair, transparent, and participatory grievance redressal mechanism for looking into individual as well as collective grievances of police personnel, which shall be freely received and channelled upwards from all levels of the organisation.

(2) The grievances that cannot be redressed by the said mechanism shall be forwarded to the State Police Board, which in turn, shall make appropriate recommendations to the State Government for remedial measures.

(3) An analysis of the grievances, their causes and their impact on the morale and efficiency of the Police Service shall be carried out annually. This analysis shall be included in the annual report of the State Police Board.

Working hours. **68.** The State Government shall take effective steps to ensure that the average hours of duty of a police officer do not normally exceed eight hours a day :

Provided that, in exceptional situations, the duty hours of a police officer may extend up to 12 hours or beyond. In such cases, adequate compensation and facilities shall be provided to the police personnel.

CHAPTER XII

General Offences against Police and Offences by Police and Procedural matters

69. (1) Any person, who obstructs the discharge of duties and functions of a police officer, shall, on conviction, be liable to simple imprisonment not exceeding three months or fine or both. Obstruction in police work.

(2) Whoever, not being a member of the Police Service wears, without obtaining permission from an officer authorised in this behalf by the State Government by a general or special order, a police uniform or any dress having the appearance or bearing any of the distinctive marks of that uniform, shall, on conviction, be punished with imprisonment not exceeding six months or fine or both. Unauthorized use of police uniform.

(3) Refusal to deliver up certificate etc. on ceasing to be police officers
Whoever, having ceased to be a police officer, does not forthwith deliver up his/her certificate of appointment, clothing, accoutrements and other wherewithal supplied to him for the execution of his duty, shall on conviction by a court of law, be liable to a fine.

(4) False or misleading statement made to the police
Whoever makes a false statement or a statement which is misleading in material particulars to a police officer for the purpose of obtaining any benefit shall, on conviction, be punished with imprisonment for a term which may extend to three months or a fine or both. Offences by the police :

70. (1) Whoever, being a police officer :

(a) wilfully breaches or neglects to follow any legal provision, procedure, rules, regulations applicable to members of the Police Service ; or Dereliction of duty by a police officer.

(b) without lawful reason, fails to register a First Information Report as required by Section 154 of the Code of Criminal Procedure, 1973 ; or

(c) is found in a state of intoxication, while on duty ; or

(d) malingers or feigns illness or injury or voluntarily causes hurt to himself with a view to evading duty ; or

(e) acts in any other manner unbecoming of a police officer ; shall, on conviction, be punished with imprisonment for a term which may extend to three months or with a fine or both.

(2) Whoever, being a police officer ,—

(a) is guilty of cowardice ; or

(b) abdicates duties, or withdraws from duties, or remains absent without authorisation from duty for more than 21 days ; or

(c) uses criminal force against another police officer, or indulges in gross insubordination ; or

(d) engages himself or participates in any demonstration, procession or strike, or resorts to, or in any way abets any form of strike, or coerces or uses physical force to compel any authority to concede anything ; or

(e) is guilty of sexual harassment in the course of duty, whether towards other police officers or any member of the public ; shall, on conviction, be punished with imprisonment for a term which may extend to one year or with a fine or both.

Arrest
search,
seizure and
violence.

(3) Whoever, being a police officer :

(a) without lawful authority or reasonable cause enters or searches, or causes to be entered or searched, any building, vessel, tent or place ; or

(b) unlawfully and without reasonable cause seizes the property of any person ; or

(c) unlawfully and without reasonable cause detains, searches, or arrests a person ; or

(d) unlawfully and without reasonable cause delays the forwarding of any person arrested to a Magistrate or to any other authority to whom he is legally bound to forward such person ; or

(e) subjects any person in her/his custody or with whom he may come into contact in the course of duty, to torture or to any kind of inhuman or unlawful personal violence or gross misbehaviour; or

(f) holds out any threat or promise not warranted by law; shall, on conviction, be punished with imprisonment for a term which may extend to one year and shall be liable to fine.

Offences by
the public.

71. (1) Any person who commits any of the following offences on any road, or street or thoroughfare, or any open place, within the limits of any area specially notified by the State Government or a Local Government for the purpose of this Section, to the inconvenience, annoyance or danger of the residents or passersby shall, on conviction by a court, be liable to a fine:

(a) allowing any cattle to stray, or keeping any cattle or conveyance of any kind standing longer than is required for loading or unloading or for taking up on setting down passengers, or leaving any conveyance in such a manner as to cause inconvenience or danger to the public;

(b) being found intoxicated and riotous;

(c) neglecting to fence in or duly protect any well, tank, hole or other dangerous place or structure under his charge or possession; or otherwise creating a hazardous situation in a public place;

(d) defacing, or affixing notices, or writing graffiti on walls, buildings or other structures without the prior permission of the custodian of the property;

- (e) wilfully entering or remaining without sufficient cause in or upon any building belonging to the Government or land or ground attached thereto, or on any vehicle belonging to Government;
- (f) knowingly spreading rumours or causing a false alarm to mislead the police, fire brigade or any other essential service or;
- (g) wilfully damaging or sabotaging any public alarm system;
- (h) knowingly and wilfully causing damage to an essential service, in order to cause general panic among the public;
- (i) acting in contravention of a notice publicly displayed by the competent authority in any Government building :

Provided that, the police shall take cognizance of this offence only upon a complaint made by an authorised functionary of the concerned office.

- (j) causing annoyance to a woman by making indecent overtures or calls or by stalking :

Provided that, the police shall take cognizance of this offence only upon a complaint made by the victim.

(2) It shall be lawful for any police officer to take into custody, without a warrant, whoever commits any of the offences mentioned in sub-section (1).

(3) Whoever commits any offence under sub-section (1), on subsequent conviction shall be liable to enhanced punishment.

72. (1) All general disrections, regulations, and public notices issued under this Chapter shall be published by posting notices in the office of the District Magistrate, Tehsil office, and Panchayat office of the local area as well as in the locality affected, by affixing copies in conspicuous places near the building or place to which the notice specially relates, or by announcing it by the beating of drum or by advertising in local newspapers and other media, or by any other means as the Commissioner or Superintendent of Police may deem fit :

Procedure
for posting
directions
and public
notices.

Provided that, the Commissioner or Superintendent of Police may, on being satisfied that it is in public interest to bring any regulation into force with immediate effect, made such direction or regulation without previous publication.

(2) If any direction or regulation made under this section relates to any matter with respect to which there is a provision in any law, rule or bylaw of the Corporation or of any other Municipal or Local Authority in relation to public health, convenience or safety of the locality, such regulation shall be subject to such law, rule or bylaw.

Prosecution
of police.

73. (1) No Court shall take cognizance of any offence under this Act when the accused person is a police officer except on a report in writing of the facts constituting such offence by, or with the previous sanction of an officer authorised by the State Government in this behalf.

(2) Prosecution for offences under other laws Subject to the provisions contained in Section 300 of the Code of Criminal Procedure, 1973, noting in this Act shall be construed as preventing any person from being prosecuted and punished under any other law for anything made punishable by this Act.

Summary
disposal of
certain
cases.

74. (1) A Court taking cognizance of an offence punishable under Section 16 (3) (c) and 71 may state, upon the summons to be served to the accused person, that he may, by a specified date prior to the hearing of the charge, plead guilty to the charge by registered letter, and remit to the Court such sum as the Court may specify.

(2) Where an accused person pleads guilty and remits the sum specified in the summons under sub-Section (1), no further proceedings in respect of the offence shall be taken against that person.

Recovery of
penalties.

75. Recovery of penalties and fines imposed by Magistrates Provisions of Sections 64 to 70 of the Indian Penal Code, 1860 and Sections 386 to 389 of the Code of Criminal Procedure, 1973 shall apply to penalties and fines imposed under this Act on conviction before a Magistrate :

Provided that, notwithstanding anything contained in Section 65 of the Indian Penal Code, 1860, any person sentenced to fine under Sections 16 (3) (c) and 71 of this Chapter may be imprisoned in default of payment of such fine, for any period not exceeding eight days.

Limitation
of actions.

76. No Court shall take cognizance of any offence under this Chapter after the expiry of the period of limitation provided for in Section 468 of the Code of Criminal Procedure, 1973. For computing the limitation period, provisions of Chapter XXXVI of the Code of Criminal Procedure shall apply.

CHAPTER XIII

Miscellaneous

Powers of
District
superinten-
dent of
Police to be
exercised
by
Commissioner
of police.

77. All powers, functions and duties of the District Superintendent of Police described in this Act shall be exercised, in respect of areas notified under Section 6 (3) of Chapter II, by the Commissioner of Police or any other officer authorised in this behalf.

78. All fees paid for licences or written permission issued under this Act, and all sums paid for the service of processes by police officers and all rewards, forfeitures and penalties or shares thereof which are by law payable to police officers as informers shall, save in so far as any such fees or sums belong under the provisions of any enactment in force to any local authority, be credited to the State Government:

Disposal of fees and rewards.

Provided that, with the sanction of the State Government, or under any rule made by the State Government in that behalf, the whole or any portion of any such reward, forfeiture or penalty may for special services, be paid to a police officer, or be divided amongst two or more Police Officers.

79. Any order or notification published or issued by the State Government or by a Magistrate or officer under any provision of this Act, and the due publication or issue thereof may be proved by the production of a copy thereof in the *Official Gazette*, or of a copy thereof signed by such Magistrate, or officer, and by him certified to be a true copy of an original published or issued according to the provisions of the section of the Act applicable thereto.

Method of proving orders and notifications.

80. No rule, regulation, order, direction, or notification made or published and no adjudication, inquiry or act done under any provision of this Act, or under any rules made thereunder, which is in substantial conformity with the same, shall be deemed illegal, void or invalid by reason of any defect of form.

Validity or rules and orders.

81. Officers holding charge of or succeeding to vacancies competent to exercise powers :

Whenever in consequence of the office of a Commissioner, Magistrate or police officer becoming vacant, any officer holds charge of the post of such Commissioner, Magistrate, or police officer or succeeds, either temporarily or permanently, to his office, such officer shall be competent to exercise all the powers and perform all the duties respectively conferred and imposed by this Act on such Commissioner, Magistrate or police officer, as the case may be.

82. Licences and written permissions to specify conditions, and to be signed :

(1) Any licence or written permission granted under the provisions of this Act shall specify the period and locality for which and the conditions and restrictions subject to which, the same is granted, and shall be given under the signature of the competent authority and such fee than be charged there for as is prescribed by any rule under this Act in that behalf.

(2) Revocation of licences : Any licence or written permission granted under this Act may at any time be suspended or revoked by the competent authority, if any of its conditions or restrictions is

infringed or evaded by the person to whom it has been granted, or if such person is convicted of any offence in any matter to which such licence or permission relates.

(3) When licence revoked, granted to be deemed without licence : When any such licence or written permission is suspended or revoked, or when the period for which the same was granted has expired, the person to whom the same was granted shall for all purposes of this Act, be deemed to be without a licence or written permission until the order for suspending or revoking the same is cancelled, or until the same is renewed, as the case may be.

(4) Grantee to produce licence and permission, when required : Every person to whom any such licence or written permission has been granted, shall, while the same remains in force, at all reasonable time, produce the same, if so required by a police officer.

Explanation.— For the purpose of this section any such infringement or evasion by, or conviction of, a servant or other agent acting on behalf of the person to whom the licence or written permission has been granted shall be deemed to be infringement or evasion by, or as the case may be, conviction of the person to whom such licence or written permission has been granted.

Public notices to be given. **83.** Any public notice required to be given under any of the provisions of this Act shall be in writing under the signature of a competent authority and shall be published in the locality to be affected thereby, by affixing copies thereof in conspicuous public places, or by proclaiming the same with beat of drums, or by advertising the same local newspapers-English or regional language or Hindi as the said authority may deem fit, or by any two or more of these means and by any other means it may think suitable.

Provided that the competent authority may, on being satisfied that it is in public interest to bring any regulation into force with immediate effect, make such direction or regulation without previous publication.

Consent of a competent authority may be proved by, **84.** Whenever under this Act, the doing or the omitting to do anything or the validity of anything depends upon the consent, approval, declaration, opinion or satisfaction of a competent authority, a written document signed by a competent authority purporting to convey set forth such consent, approval, declaration, opinion or satisfaction shall be sufficient evidence thereof.

Signature on notices may be, **85.** Every licence, written permission, notice, or other document, not being a summons or warrant or search warrant, required by this Act, or by any rule thereunder, to bear the signature of the competent authority, shall be deemed to be properly signed if it bears a facsimile of his signature stamped thereon.

Power to make rules. **86.** The Government may make rules for carrying out the purpose of this Act.

87. (1) If any difficulty arises in giving effect to the provisions of this Act the State Government may, by notification in the *Official Gazette*, make such provisions as it deems necessary or expedient for removing the difficulty. Power to remove difficulties.

(2) Every notification issued under this section shall, as soon as may be after it is issued, be laid before the appropriate legislature.

88. Notification of rules and regulations in the *Official Gazette* :—

(1) Every rule and regulation made under this Act shall be made by notification in the *Official Gazette*.

(2) Every rule and regulation made under this Act shall be laid, as soon as may be after it is made, before each House of the State Legislature, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation, as the case may be, or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

Notification of rules and regulations in the *Official Gazette* and laying of rules and regulations.

89. Persons aggrieved may apply reverse or alter any rule or order to State Government to annul. In the case of any rule or order made by the State Government under an authority conferred by this Act and requiring the public or a particular class of persons to perform some duty or act, or to conduct or order themselves or those under their control in a manner therein described, it shall be competent to any aggrieved person to make a representation to the State Government to annul, reverse, or alter the aforesaid rule or order.

90. (1) The Bombay Police Act, 1951 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken or any proceeding instituted under the Act so repealed shall be deemed to have been done or taken or instituted under the corresponding provisions of this Act.

(3) All references in any enactment to any of the provisions of the Act so repealed shall be construed as references to the corresponding provisions of this Act.

Repeal and saving.

STATEMENT OF OBJECT AND REASONS

Present police system in India has its roots in the colonial era. On the background of the mutiny in 1857 British rule enacted the 'The Police Act, 1861'. The only objective of the police force was to protect the power. 'The Bombay Police Act, 1951' that regulates present police service was adopted from the same 1861 Act.

Government of India in 1977 had appointed National Police Commission to review the police system and to recommend on what should be the role of the police in independent India. The National Police Commission presented its recommendations in eight detailed reports till 1981. Various other Commissions were also appointed from time to time to deal with the issue. Supreme Court in 2006 in its judgment over the Public Interest Litigation (Prakash Singh *vs.* Union Government of India) has directed the states to enact appropriate police legislations.

The crux of the recommendations of National Police Commission and various other committees appointed in this regard and the judgment of the Supreme Court is that the police system needs to undergo radical change in accordance with the democratic and constitutional values. The repressive role of the police during the pre-independence time needs to change. Post independence police needs to play a role of a guardian. In a democratic set up police needs to be independent of political influences and needs to be accountable to the law, the people and police organisation. The role of the police can not be limited to only the prevention and detection of crime but to protect Rule of Law and civil, political, social, economic and cultural rights of the citizen. The police needs to be professional, efficient, effective and responsive. The roles, responsibilities and duties of the police thus need to be redefined. It's more than sixty years since independence and it's high time to bring in reforms in the police system.

With this background progressive State of Maharashtra have to be enacting legislation that guarantees an efficient, people oriented and democratic policing to the Citizen by the repealing the Bombay Police Act, 1951.

Vidhan Bhavan :
Mumbai,
dated 3rd November 2012.

DEVENDRA FADANVIS,
Members in-Charge.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposals for delegation of legislative power, namely :—

Clause 1 (2).— Under this clause, power is taken to the State Government to appoint by notification in the *Official Gazette*, the date on which the Act shall come into force.

Clause 9 (1).— Under this clause, Power is taken to the State Government to declare the essential services for the specific period.

Clause 21 (1).— Under this clause, power is taken to the State Government to by notification in the *Official Gazette*, to appoint Police Superintendent, one or more Assistants Deputy superintendent and other officers in the numbers which will be deemed fit for that every district by creating one or more Special Police District involving Railway area in the State.

Clause 87 (1).— Under this clause, power is taken to the State Government to remove any difficulty arisen during implementation of provisions of this Act.

Clause 88.— Under this clause, powers are conferred to the State Government to make rules for carrying out the purposes of this Act.

2. The above mentioned proposals for delegation of legislative power are of normal character.

Vidhan Bhavan :
Mumbai,
dated 5th April 2013.

DR. ANANT KALSE,
Principal Secretary,
Maharashtra Legislative Assembly.

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 शुक्रवार, एप्रिल ५, २०१३/चैत्र १५, शके १९३५

MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Assembly on the 5th April 2013, is published under Rule 117 of the Maharashtra Assembly Rules :—

L. A. BILL No. IX OF 2013.*A BILL*

further to amend the Maharashtra Industrial Development Act, 1961.

WHEREAS it is expedient further to amend the Maharashtra Industrial Development Act, 1961, for the purposes hereinafter appearing ; it is hereby enacted in the Sixty-fourth Year of the Republic of India as follows :—

Short title. **1.** This Act may be called the Maharashtra Industrial Development (Amendment) Act, 2013.

Insertion of section 43-1B in Mah. III of 1962. **2.** After section 43-1A of the Maharashtra Industrial Development Act, 1961, the following section shall be inserted, namely :—

“43-1B. Subject to the general or specific directions of the State Government, the Corporation may, by notification in the *Official Gazette*, notify any industrial area as the integrated industrial area, wherein the minimum sixty per cent. of the total area shall be used for the industrial development and the remaining, for the support activities including residential and commercial activities as per the prevalent Industrial Policy ; and upon such notification, the Corporation shall become the Special Planning Authority for such integrated industrial area under the Maharashtra Regional and Town Planning Act, 1966 and the development of such integrated industrial area shall be regulated in accordance with the plan proposals and the Development Control Regulations prepared by the Corporation and sanctioned by the State Government under the relevant provisions of the Maharashtra Regional and Town Planning Act, 1966.”.

Integrated
industrial
area.

Mah.
XXXVII
of
1966.

Mah.
XXXVII
of
1966.

STATEMENT OF OBJECTS AND REASONS

The Government of Maharashtra has, recently on the 22nd February 2013, declared the new Industrial Policy 2013. One of the important features of the said policy is the concept of 'the integrated industrial Area', wherein the minimum sixty per cent. of the total area shall be used for the industrial development and the remaining area shall be utilized for the support activities including residential and commercial activities as per the Industrial Policy. For giving effect to the said concept of the Integrated Industrial Area, it is expedient to amend the Maharashtra Industrial Development Act, 1961 (Mah. III of 1962), by inserting new section 43-1B.

The proposed new section 43-1B provides that, the Corporation may, subject to the general or specific directions of the State Government, by notification in the *Official Gazette*, notify any industrial area to be the integrated industrial area, wherein the minimum sixty per cent. of the total area shall be used for the industrial development and the remaining, for the support activities including residential and commercial activities as per the prevalent Industrial Policy ; and upon such notification, the Corporation shall become the Special Planning Authority for such integrated industrial area under the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966) and the development of such integrated industrial area shall be regulated in accordance with the plan proposals and the Development Control Regulations prepared by the Corporation and sanctioned by the State Government under the relevant provisions of the Maharashtra Regional and Town Planning Act, 1966.

2. The Bill seeks to achieve the above objectives.

Mumbai,
Dated the 3rd April 2013.

NARAYAN RANE,
Minister for Industries.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposal for delegation of legislative power, namely :—

Clause 2.—Under this clause, which seeks to insert new section 43-1B in the Maharashtra Industrial Development Act, 1961, power is taken to the Corporation to notify, subject to the general or specific directions of the State Government, by notification in the *Official Gazette*, any industrial area as the integrated industrial area, wherein the minimum sixty per cent. of the total area shall be used for the industrial development and the remaining, for the support activities including residential and commercial activities as per the prevalent Industrial Policy.

2. The above-mentioned proposal for delegation of legislative power is of a normal character.

Vidhan Bhavan :

Mumbai,

Dated the 5th April 2013.

DR. ANANT KALSE,

Principal Secretary

Maharashtra Legislative Assembly.

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 शुक्रवार, एप्रिल ५, २०१३/चैत्र १५, शके १९३५

MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Assembly on the 5th April 2013 is published under Rule 117 of the Maharashtra Legislative Assembly Rules :—

L. A. BILL No. X OF 2013.

A BILL

further to amend the Maharashtra Entertainments Duty Act.

WHEREAS both Houses of the State Legislature were not in session;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Entertainments Duty Act, for the purposes hereinafter appearing; and, therefore, promulgated the Maharashtra Entertainments Duty (Amendment) Ordinance, 2013 on the 22nd February 2013 ;

I of
1923.
Mah.
Ord. IV
of 2013.

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature with certain changes ; it is hereby enacted in the Sixty-fourth Year of the Republic of India as follows :—

1. (1) This Act may be called the Maharashtra Entertainments Duty (Amendment) Act, 2013.

Short title and commencement.

(2) It shall be deemed to have come into force on the 22nd February 2013.

I of 1923. 2. In section 2 of the Maharashtra Entertainments Duty Act (hereinafter referred to as "the principal Act"),—

Amendment of section 2 of I of 1923.

(a) in clause (b),—

(i) in the second proviso, for the words "five rupees in case of ordinary and air-cooled cinemas and six rupees in case of air-conditioned cinemas" the words "seven rupees in case of ordinary and air-cooled cinemas and nine rupees in case of air-conditioned cinemas" shall be substituted;

(ii) in the fifth proviso, for the words "fifty paise" the words "one rupee" shall be substituted;

(iii) in the sixth proviso, for the words "fifty paise" the words "one rupee" shall be substituted;

(b) after clause (g-g1), the following clause shall be inserted, namely:—

"(g-g1a) "single-screen cinema" means a place of entertainment not having more than one auditorium with one screen using cinematography projection system having licence under the Maharashtra Cinemas (Regulation) Act, other than Multiplex Theatre Complex;".

XI of 1953.

3. In section 3 of the principal Act, after sub-section (13), the following sub-section shall be inserted, namely:—

Amendment of section 3 of I of 1923.

"(13A) (a) Notwithstanding anything contained in clause (c) of sub-section (1) of section 3 and any other provisions of this Act, but subject to the terms and conditions prescribed by the State Government in this behalf, no entertainment duty shall be levied and paid to the State Government under the provisions of clause (c) of sub-section (1) of section 3 by the proprietor of a single-screen cinema equipped with modernized and technological up-gradation and situated within the limits of,—

(i) village *panchayats*, for a period of seven years; and

(ii) 'A', 'B' and 'C' Class Municipal Councils, for a period of five years.

(b) In case of violation of the terms and conditions prescribed by the State Government under clause (a), the exemptions shall be liable to be withdrawn and the duty shall be levied and collected with effect from the date of commencement of the exemption at the rate specified in clause (c) of sub-section (1) of section 3, alongwith the interest leviable at the rate specified in section 9B."

Amendment
of section 7 of
I of 1923.

4. In section 7 of the principal Act, in sub-section (1), after clause (j), the following clause shall be added, namely:—

“(k) for prescribing the terms and conditions for exemption of duty under sub-section (13A) of section 3.”.

Repeal of
Mah. Ord. IV
of 2013 and
saving.

5. (1) The Maharashtra Entertainments Duty (Amendment) Ordinance, 2013 is hereby repealed.

Mah.
Ord. IV
of 2013.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or, as the case may be, issued under the corresponding provisions of the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS.

As the Indian Cinema is celebrating its centenary, the State Government decided to encourage the cinema in the State, to boost technological upgradation and bring greater transparency. In view of the pitiable condition of the existing single-screen cinemas in the jurisdiction of village *panchayats* and 'A', 'B' and 'C' Class municipal councils and considering the various representations made to the State Government, the Government decided to grant exemption from payment of entertainment duty to the proprietors of such single-screen cinemas and also to adopt certain other measures to achieve the said objectives, by amending the Maharashtra Entertainments Duty Act (I of 1923) as follows :-

(i) It was proposed to grant total exemption from the payment of entertainment duty under clause (c) of sub-section (1) of section 3 of the said Act payable to the State Government by the proprietor of single-screen cinema equipped with modernized and technological upgradation for a period of seven years in the area of village *panchayats* and for the period of five years in a area of 'A', 'B' and 'C' Class municipal councils.

(ii) To facilitate the adequate safety and hygiene measures, it was proposed to increase the rate of service charge leviable in case of the air-conditioned cinemas by rupees three per ticket and in case of ordinary and air-cooled cinemas by rupees two per ticket.

(iii) It was proposed to increase the amount of service charges from fifty paise to one rupee per ticket in case of touring cinemas and in case of quasi-permanent cinemas having computerised ticket terminal network with the help of Information Technology through satellite.

2. As both Houses of the State Legislature were not in session and the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Entertainments Duty Act (I of 1923), for the purposes aforesaid, the Maharashtra Entertainments Duty (Amendment) Ordinance, 2013 (Mah. Ord. IV of 2013) was promulgated by the Governor of Maharashtra on the 22nd February 2013.

3. The Bill is intended to replace the said Ordinance by an Act of the State Legislature with certain changes.

Mumbai,
Dated 2nd April 2013.

BALASAHEB THORAT,
Minister for Revenue.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposal for delegation of legislative power, namely :—

Clauses 3 and 4.—Under these clauses, which seek to amend section 3 and 7 of the Maharashtra Entertainments Duty Act, whereunder power is taken to the State Government to prescribe by rules the terms and conditions subject to which exemption from payment of entertainment duty will be granted under sub-section (13A) of section 3.

2. The abovementioned proposal for delegation of legislative power is of a normal character.

FINANCIAL MEMORANDUM

The Bill provides to grant total exemption from the payment of entertainment duty under clause (c) of sub-section (1) of section 3 of the Maharashtra Entertainments Duty Act payable to the State Government by the proprietor of single-screen cinema equipped with modernized and technological up-gradation for a period of seven years in the area of village panchayats and for a period of five years in the area of 'A', 'B' and 'C' Class municipal councils.

The total collection of entertainment duty from the proprietors of the existing single-screen cinema in the areas where exemption has been proposed, is approximately yearly Rs. 5 to 7 crores. For granting exemption and to levy service charges no new administrative expenses will be incurred and thus there is no provision in the Bill which would involve the recurring expenditure or non-recurring expenditure from the Consolidated Fund of the State on its enactment as an Act of the State Legislature.

GOVERNOR'S RECOMMENDATION UNDER ARTICLE 207 OF THE
CONSTITUTION OF INDIA

(Copy of Government of Maharashtra Order,
Law and Judiciary Department)

In exercise of the power conferred upon him by clause (1) of Article 207 of the Constitution of India, the Governor of Maharashtra is pleased to recommend to the Maharashtra Legislative Assembly, the introduction of the Maharashtra Entertainments Duty (Amendment) Bill, 2013.

Vidhan Bhavan :

Mumbai,

Dated the 5th April 2013.

DR. ANANT KALSE,

Principal Secretary,

Maharashtra Legislative Assembly.